

**A Muslim Feminist Interpretation of
Women's Empowerment and Gender Parity:**
Case Studies of Morocco and Egypt

BY

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Abstract

This research focuses on changes in women's empowerment and gender parity during the reigns of Mohammed VI in Morocco (1999-present) and Hosni Mubarak in Egypt (1981-11 February 2011). Despite the absence of regime change in Morocco, the social and political reforms taking place under King Mohammed VI are nothing short of revolutionary. Likewise, despite the regime change in Egypt, events are proving that the celebrated Egyptian revolution was aborted or at best premature.

With regard to Morocco, I specifically analyze liberating changes to the concept of family in Morocco promoted by King Mohammed VI and his wife's personas and personal choices. In addition, I look at legal changes in Moroccan family law, human rights legislation, and the first of its kind 2004 Equity and Reconciliation (IER) Commission. Finally, I turn to Morocco's embrace of international human rights standards, such as the Committee on the Elimination of all Forms of Discrimination against Women (CEDAW) in terms of the Penal, Nationality, Labor, and Electoral Codes. Notably, the U.S. has never signed CEDAW, which is known internationally as the women's bill of rights, while Morocco has signed the treaty and more recently removed the remaining reservations it had with the treaty.

Within the Egyptian context, progressive women's legislation, charted over an extended period of time will make up part of my study, with primary focus on legislation during Mubarak's era. Among the laws addressed are innovations in alimony rights in Egypt, predominantly in Law 100 in 1985. In addition, I look at the changes in Egypt's Personal Status Procedural Law, updated in Law 1 in 2000 and Law 4 2005, which advance women's position in society vis-à-vis men concerning marriage, divorce, and

child custody. Specifically, the paper addresses guardianship of children in the event of a divorce, a woman's ability to seek a divorce (known as the *kuhl'* law), and regulations governing unregistered marriages (known as *urfi* marriage). Finally, Egypt's progressive electoral legislation, in particular the 2009 amendments, which guaranteed a 12% women's quota in parliament, will be scrutinized.

In addition to analyzing individual pieces of legislation impacting women, I also assess human development factors, such as literacy, educational advancement, and employment opportunities that affect Moroccan and Egyptian women's empowerment. Other elements that impact women are global changes such as increased urbanization and middle class development. In contrast to family law, which is largely governed by Shariah law in these countries, these five elements are notably not linked to Islam and vary greatly based on the particular cleavages, leaderships, and political leanings of the societies themselves.

In the conclusion of this study, I will assess the future of these revolutionary advances through my analysis of the political and legal agendas and press statements of Morocco's PJD and Egypt's Muslim Brotherhood's FJP and the Salafi Nour Party. Any marginalization women may have experienced during and immediately after recent parliamentary elections will also be analyzed. Also targeted for analysis are: changes made by these parties to their political platforms over time to determine the hardening or softening of positions within each party; women's quantitative success in the recent parliamentary elections; and post-election cabinet appointments of women to determine any impact of this Islamic occupation of political space on women's empowerment. In the case of Egypt, attention will also be focused on secondary threats to women's

empowerment coming from the transitional military leadership and backlash to Mubarak's reforms.

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My poised daughter Avery, whose attention to detail and precision are abundant in everything she does.

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Chapter 1: The Development of Muslim Feminist Theory:

Women's Empowerment and the Implications for the Islamization of Political Space

I. Purpose

My thesis project will analyze through a Muslim feminist lens the revolutionary changes in women's empowerment and gender parity in Morocco under Mohammed VI and Egypt under Hosni Mubarak. The Western concepts of *democracy* and *gender equality* have historical parallels in Islam and it is through this perspective that I will examine the agendas of the Islamic political parties dominating recent Moroccan and Egyptian parliamentary elections. Specifically, I will analyze the parties' social and legislative agendas to determine the consequences for local women as these societies move toward their own culturally-specific form of democratic political system while simultaneously witnessing a rise in political Islam.

II. Background and Significance:

The "Arab Spring" 2011 events in the Middle East and North Africa involved an array of demonstrations, calls for greater freedoms and government accountability, and leadership changes. Mass movements in Tunisia, Egypt, Libya, and Yemen overthrew long-reigning autocrats in favor of what they termed "democracy." Notably, in countries such as Morocco and Jordan the mainly secular, Western-leaning monarchies stayed in power, promising reforms from within the existing political structures. Following this Arab Spring of political change and electoral openings, Islamic parties won large percentages in parliamentary elections. In Tunisia the moderate al-Nahda Party won over 40%, in Morocco the moderate Justice and Development Party (PJD) won 27%, and in Egypt the Muslim Brotherhood's moderate Freedom and Justice Party (FJP) won 58%,

while the ultra-conservative Salafi al-Nour Party won 24%. This mandate at the polls, Western analysts fear, may pose a threat to women's recent legislative and political advances in these countries depending on the agendas pursued by each party. The question of whether a more democratic political system and this subsequent Islamization of political space will be a net gain or net loss for the women of these countries is crucial to the future of women's empowerment across predominantly-Muslim states. Moreover, Western concerns that this nascent opportunity for greater democracy might instead evolve into a Shari'a-based political system with negative consequences for Muslim women are not shared by the majority of Muslim feminists.

III. Theoretical Approach

This project establishes a fresh viewpoint of Muslim feminist thought, using as its framework J. Ann Tickner's discussion of the evolution of feminist theory in Feminist Perspectives on Achieving Global Security. As the Cold War ended and the East-West military rivalry lessened, secondary issues such as democratization, human rights, ethnic rivalry, and economic globalization took center stage. These broad issues expanded the definition of global politics to allow for the further development of feminist approaches. Feminist approaches were not new to international politics. In the 1970s liberal feminism predominated and attempted to remove legal obstacles to resolve women's subordinate position vis-à-vis men. The radical Marxists and socialists looked to patriarchal structures that normalized women's subordination or to labor market forces that discriminated against women. By the 1980s the focus shifted to a better understanding of gender relations and the impact of inequality on women's lives. In the 1990s this trend shifted again to postcolonial and postmodern feminism, which refocused on local variants

of feminism, the avoidance of a single feminism, and the embrace of multiple feminisms.¹ It is this world of multiple feminisms in which we must identify and develop a theory of feminism appropriate for the societies under analysis.

Women in predominantly-Muslim states, such as Morocco and Egypt, are depicted by Western media as submissive, subjugated, voiceless women, relegated to the private sphere and veiled, segregated lives. Conversely, Western feminism is derided by Muslim conservatives as anathema to Islamic precepts and concepts of womanhood in Muslim states. A more accurate assessment is the evaluation of recent progressive reforms in Muslim societies through a Muslim feminist lens. The Muslim feminist viewpoint provides the religious and cultural sensitivities missing in Western feminist theory, while allowing women in predominantly-Muslim states to become the authors and subjects of their own narrative.

Resounding distinctions exist between the viewpoints of a Western secular feminist, an Islamic feminist, and a Muslim feminist. Western secular feminism does not take into consideration the needs and expectations of Muslim women. At the other end of the spectrum, Islamic feminists adhere dogmatically to sharia-based Islam. Islamic feminism is even “more radical than [the] more secular Muslim feminisms...[deriving] its understanding and mandate from the Qur’an, [which] seeks rights and justice for women, and for men.”² Islamic feminism theoretically focuses on the elevation of both men and women, creating a more egalitarian society. Nevertheless, the interpretation of

¹ J. Ann Tickner, *Feminist Perspectives on Achieving Global Security* (New York: Columbia University Press, 1992) pp. 275-277.

² Shadya, “Muslim Feminism.”
www.pbs.org/independentlens/shadya/muslimfeminism.html

this *equality* from a Muslim feminist perspective favored the Muslim man to the detriment of the Muslim woman.

Muslim feminists, distinct from either Western or Islamic feminists, base their assertions of equality and women's rights on the Qur'an and Hadith, thereby rejecting archaic male elite consensus that underlies both of the other two types. Muslim feminists actively reinterpret and contextualize Islam to make it relevant to their lives today. They use their interpretation of Islam to reinforce a concept of gender equity. Muslim women's movements are inextricably aligned with nationalist, democratic, and humanitarian movements. Traces of Marxist and socialist theory are also apparent in Muslim feminist theory, both of which disregard gender and class in favor of a more egalitarian system.

IV. Survey of Literature

The main Muslim feminist authors I will utilize include: Nana Asma'u, Fatima Mernissi, Nawal el-Saadawi, Leila Ahmed, Amina Wadud, and Asma Barlas. It is important in my research to include a wide range of Muslim feminist opinions as I define and expand this concept of Muslim feminist theory. I do not limit my range of Muslim feminist writers to a specific geographic area or even to Muslim feminists from predominantly-Muslim states. Nor do I limit my representative sampling of Muslim feminist theorists to contemporary writers. To this end, I have included Asma'u, who was Nigerian and lived in the late 19th century, Mernissi, who is a Moroccan, el-Saadawi, who is Egyptian, Ahmed who holds U.S. and Egyptian citizenship, Wadud, who is an African-American, and Barlas, who is of Pakistani descent. Current observation of Muslim feminist theory suffers from a cacophony of voices that could be more clearly

understood once organized into an identifiable set of cohesive principles reflecting the combined experiences and aspirations of its practitioners.

From an assessment of these authors' writings, several Muslim feminists' identifying characteristics are summarized: **First**, Muslim feminists assert the democratic nature of Islam as a religious system embodied by the equality of all believers regardless of sex, race, or social origin. **Second**, the revolution initiated by Muhammad was thwarted by the male elite, who interpreted Islam to maintain and expand their interests. **Third**, the future viability of Muslim nations relies on utilizing the productive power of all elements of society, male and female. Relegating women, who constitute 50% of the population, to the private sphere impoverishes their nations by denying the creative and productive potential of their female population.

A more in-depth look at each of the Muslim feminist writers reveals additional insight from her unique perspective. **First**, nineteenth-century Nigerian Muslim feminist, **Nana Asma'u**, whose collected work has been discussed in One Woman's Jihad by Beverly



Mack and Jean Boyd, asserted the absolute necessity of women becoming educated. "It is a religious duty to seek knowledge. Women may leave their homes for this."³ A pragmatist, Asma'u promoted women's education, training women teachers, who then travelled throughout the countryside educating women.⁴ Asma'u linked learning with spiritual salvation and a society impeding learning as tantamount to thwarting women's religious salvation. "Any society that impedes equitable access to salvation by controlling

³ Nana Asma'u, A Warning, 1856. (www.chnm.gmu.edu/wwh/p/214.html)

⁴ Beverly Mack, One Woman's Jihad: Nana Asma'u: Scholar and Scribe (Indiana: Indiana Bloomington Press, 2000). (www.chnm.gmu.edu/wwh/p/214.html)

or limiting who can get an education eschews the tenets of Islam.”⁵ Asma’u condemns the societies that limit learning as committing treachery against the religion of Islam.

Second, Moroccan contemporary feminist, **Fatima Mernissi**, in Beyond the Veil and The Veil and the Male Elite expounds upon the principle of the equality of all adherents to Islam regardless of their sex and ethnic or social origin.⁶ According to Mernissi, “Islam does not advance the thesis of women’s inherent inferiority.”⁷ She asserts that access to education and paid employment only for men is not supported by Islamic principles. Instead, Mernissi mourns the derailment of Islam’s original egalitarian voice. “How did the tradition succeed in transforming the Muslim woman into that submissive, marginal creature who buries herself and only goes out into the world timidly and huddled in her veils? Why does the Muslim man need such a mutilated companion?”⁸ According to Mernissi, male politicians have used the sacred to institutionalize their control.⁹ Male supremacy was instituted and maintained by the separation of public and private space in contradiction to the way the Prophet Muhammad conducted his own life. Mernissi points to the examples of the Prophet and his wives. Muhammad’s first wife, Khadija, asked Muhammad to marry her, was the first convert to Islam, and his most important confidant in the early stages of Islam. His favorite wife, Aisha, became a political leader



Mernissi

⁵ Beverly Mack. (www.chnm.gmu.edu/wwh/p/214.html)

⁶ Mernissi, The Veil and the Male Elite, p. 43.

⁷ Mernissi, Beyond the Veil (Cambridge: Schenkman Publishing Company, 1975), p. 19.

⁸ Mernissi, The Veil and the Male Elite (New York: Perseus Books Group, 1987), p. 42.

⁹ Mernissi, The Veil and the Male Elite, p. 43.

and commanded an Islamic army.¹⁰ These women reveal the confidence of Muhammad and the early Islamic community in women's capabilities in influential, high-level leadership roles. Nevertheless, the second of Muhammad's successors to lead the Islamic Umma, Omar, could not tolerate an Islam that overturned the traditional pre-Islamic relations between women and men and thus the revolution was aborted.¹¹ As this is true in politics and the economy, it is especially true with regard to sexual matters. While women's sexuality was curbed and civilized by Islam; male sexuality was made more promiscuous (by virtue of polygamy), urfi marriages (temporary marriages for money), and lax (by virtue of repudiation in which men could divorce on a whim).¹² The sacred was used by men to legitimize certain privileges: some political and some sexual in nature.¹³

Mernissi refutes a Hadith from the Prophet that has been used to subjugate women and reduce them to second-class status by saying it has been greatly questioned as unreliable. The Hadith states: "A people who entrust power to a woman will never prosper." Instead, Mernissi promotes a pragmatic approach to women's incorporation into society, postulating that Muslim economic weakness is attributable to the fact that only half the nation works since the creative potential and energy is halved.¹⁴ In this, only half of the creative potential and energy of Muslim society is utilized. A pragmatist herself, Mernissi in a 1994 interview, suggested a practical way Western donor countries could promote women's advancement in Muslim states would be to make "loans to the

¹⁰ Mernissi, *Beyond the Veil*, p. 51.

¹¹ Mernissi, *The Veil and the Male Elite*, p. 130.

¹² Mernissi, *Beyond the Veil*, p. 46.

¹³ Mernissi, *The Veil and the Male Elite*, p. 147.

¹⁴ Mernissi, *Beyond the Veil*, p. 14.

Arab world from the World Bank and International Monetary Fund...conditioned on support of women's development, since 60-70% of women are illiterate.”¹⁵

Third, Egypt's **Nawal el-Saadawi** in The Hidden Face of Eve and The Nawal el-Saadawi Reader depicts hypocrisy at many levels: male-female expectations, the West as non-patriarchal, and economic development agendas. She sees the dichotomy between



Saadawi

male and female expectations. “Chastity and virginity were considered essential for women, whereas freedom and even licentiousness were looked upon as natural where men were concerned.”¹⁶ El-Saadawi spoke out against female genitalia mutilation (FGM) as the patriarchy's way of forcing monogamy on women, by diminishing their sexuality.¹⁷ El-Saadawi points out the subtle meaning of the qur'anic verse used to justify polygamy as actually forbidding polygamy, when it said: Marry as many women as you wish, two or three or four. If you fear not to treat them equally, marry only one. Indeed you will not be able to be just between your wives even if you try.”¹⁸

El-Saadawi does not limit her chastisement to male-female relations but to East-West and class relations as well. El-Saadawi rejects the West as the model for gender and racial relations. “Should the West be the model? This implies that the Christian West is living under a non-patriarchal, nonsexist, nonracist system.”¹⁹ She speaks out against power inequities in colonialism, patriarchy, and class. She also bemoans globalization

¹⁵ Interview of Fatima Mernissi on Charlie Roads 14 September 1994.

¹⁶ Nawal El Saadawi, The Hidden Face of Eve (New York: Zed Books Ltd., 1980), p. 27.

¹⁷ Nawal El Saadawi, The Nawal El Saadawi Reader (New York: Zed Publishers, 1997), p. 65.

¹⁸ Saadawi, The Nawal El Saadawi Reader, p. 80.

¹⁹ Saadawi, The Nawal El Saadawi Reader, p. 135.

and Western structural adjustment programs as economic genocide in which stronger countries gain markets while weaker countries gain irrecoverable debt.²⁰ El-Saddawi claims that the New Economic World Order is dominated by the U.S. through the United Nations, World Bank, IMF, the General Agreement on Tariffs and Trade (GATT) and dictates the terms of engagement through structural adjustment programs (SAPs).²¹ El-Saddawi's ridicule of Western motives serves two purposes here: it dispels the notion that Muslim feminists are starry-eyed Western groupies and it maintains El-Saddawi's position as a voice for her people against perceived Western exploitation.

Fourth, Egyptian-American **Leila Ahmed** in Women and Gender in Islam and Border Crossing uses a contemporary gender study lens to analyze Islamic discourse on women in a social and cultural context. She deconstructs traditionalist male-centered patriarchal interpretations of Islam rather than Islam itself. According to Ahmed, Muhammad advocated the moral and spiritual equality of all human beings and his wives, especially Aisha, took an active role in society, making speeches and leading military campaigns. Islamic doctrine, however, was developed under the androcentric, misogynistic society of the Abbasid caliphate, which quelled the voice of equality and institutionalized the patriarchal hierarchy.²²



Ahmed

Fifth, African-American **Amina Wadud** in Qur'an and Woman and Inside the Gender Jihad wrote "the dominant narrative was



Wadud

²⁰ Saadawi, The Nawal El Saadawi Reader, p. 120.

²¹ Saadawi, The Nawal El Saadawi Reader, p. 136.

²² Leila Ahmed, Women and Gender in Islam (New Haven and London: Yale New Haven Press, 1992), p. 75 and p. 87.

written by the West of Islam as oppressor and the West as liberator.”²³ Wadud intends to correct this understanding. She undertakes Qur’anic exegesis as she dissects and critiques interpretations of the Qur’an. According to Wadud, with modernity and the globalization of the economy, Muslim nations are analyzing Islam’s compatibility with democracy and basic human rights and what it means to be human. Wadud encourages bringing women’s voices into the interpretation of sacred texts as Muslim feminists deconstruct the gender hegemony in the Qur’an. For example, the “Qur’an uses no terms that imply that the position of ruler is inappropriate for a woman. On the contrary, the Qur’anic story of Bilqis celebrates both her political and religious practices.”²⁴ The Shariah as well, indicates Wadud, is thoroughly patriarchal as women were left out of its institution and must be included in a reinterpretation for this oversight to be corrected.²⁵ In practice as well, Wadud believes in breaking unacceptable religious traditions. In 1994 she defied the male-only Imam tradition when she herself delivered the first female-led khutba in South Africa at the Claremont Main Road Church, thus bringing a woman’s voice into the Muslim presence of God.

Sixth, Pakistani-American **Asma Barlas** in Believing Women in Islam observes that Muslims apply values of inequality into the Qur’an to justify existing religious and social structures. She reexamines the Qur’an on key issues to show that its teachings do not support patriarchy. In



²³ Leila Ahmed, Women and Gender in Islam (New Haven and London: Yale University Press, 1992), p. 167.

²⁴ Amina Wadud, Qur’an and Woman (Oxford: Oxford University Press, 1999), p. 40.

²⁵ Amina Wadud, Frontline Interview, March 2002.

www.pbs.org/wgbh/pages/frontline/shows/muslims/interviews/wadud.html.

contradiction to Western stereotypes and Muslim cultural practices, Barlas interprets the Qur'an with an eye toward gender equality. However, Barlas concedes that the issue of equality identified in the Qur'an might not translate into equality within society's legal system. While Islam is uncompromising in its assertion of the equality of all believers before God, it did not follow that equality before God would mean that men and women would be equal before the law.²⁶ Church and state are inseparable in Islam.

V. Methodology

This research focuses on changes in women's empowerment and gender parity during the reigns of Mohammed VI in Morocco (1999-present) and Hosni Mubarak in Egypt (1981-11 February 2011). Despite the absence of regime change in Morocco, the social and political reforms taking place under King Mohammed VI are nothing short of revolutionary. Likewise, despite the regime change in Egypt, events are proving that the celebrated Egyptian revolution was aborted or at best premature.

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²⁶ Asma Barlas, Believing Women in Islam (Austin: University of Texas Press, 2002), p. 71.

women's bill of rights, while Morocco has signed the treaty and more recently removed the remaining reservations it had with the treaty.

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Chapter 2: Liberal Morocco: The Woman's Revolution from Within *Mohammed VI's Innovations and Moroccan Women's Empowerment*

I. Introduction: Morocco Avoids the Domino Effect

Morocco experienced a brief period of demonstrations in February 2011 and seemed on the brink of a revolution similar to those underway at the time in Tunisia and Egypt, but Moroccan King Mohammed VI's televised speech to the Moroccan people seemed sufficient: they listened, and then went home. For the time being, change would come from within Morocco. This chapter addresses three main topics: **First**, it examines the personality, examples, and reforms of King Mohammed and his wife, Salma Bennani, which allowed Morocco to withstand the democratic tide sweeping the Arab world in favor of an internal monarch-orchestrated "revolution." **Second**, the paper analyzes advances in the status of Moroccan women, in terms of human development, economic opportunities, and political inclusion. This section also addresses the impact on Moroccan women's status of global changes, such as increased urbanization and middle class development. **Finally**, this paper analyzes the electoral success of the moderate Islamic Party for Justice and Development (PJD) in Morocco's November parliamentary elections and the appointment of PJD head Abdelilah Benkirane as Prime Minister. The same Islamists who opposed western democracy are the ones now benefitting from Moroccan society's new-found electoral voice. The success of the PJD in Morocco's parliamentary elections is part of an electoral mandate across the Arab world in which Islamic parties are making significant gains at the polls as these countries embrace their Islamic roots in the face of mass complaints of corruption, poor governance, inflation, and unemployment. The question remains how Moroccan women's hard-won social advances and political

representation will be affected by the growth of democracy in Morocco and the rise of Islamic parties in politics.

II. Mohammed VI: Progress and Reform

The popularity of King Mohammed VI's reign provides him with immunity to the so-called "domino effect" that has recently toppled other North African leaders. To use Stephen Covey's social science metaphor, Mohammed VI has made "deposits" into the "emotional bank account" of Moroccans and allayed calls for his ouster by dramatically improving the lives of Moroccans through progressive, responsive reforms. Moroccans insisted on reform, but agreed that change should come from within their existing monarchical political system, led by King Mohammed VI. The king's initiatives encompass progressive human rights legislation, reform of Morocco's Family Law, political inclusiveness, and an aggressive approach to improving the national economy. Nevertheless, criticisms and concern abound about the king's reforms, their institutionalization, and implementation in society.

Most importantly to the stability of the Alaouite dynasty, which has ruled Morocco since the 17th century as direct descendants of the Prophet Muhammad, has been its ability to reform from within. Since independence in 1956, Mohammed VI, and to a lesser degree his predecessors, Mohammed V and Hassan II, launched reforms and initiatives that convinced the Moroccan people that the Moroccan monarchy is the best choice for their future.

Significantly, upon assuming the throne in 1999, Mohammed VI cast himself as a progressive leader, supportive of women's empowerment, beginning with his personal life. Whereas his father King Hassan II practiced polygamy and kept two wives in seclusion,

Mohammed VI broke with tradition to practice monogamy. Mohammed VI's mother was only referred to by his father as "the mother of my children," she was never seen in public, and their marriage was arranged. In contrast, Mohammed VI and his future wife, Salma Bennani, met at a party and "it was love at first sight." Bennani is from a family of modest means but with an excellent education. She and the king dated before their betrothal. Mohammed's choice of Bennani and the way he presented her and her *curriculum vitae* to the country opened up social space within the family, elevating the traditional role of the wife in Moroccan society to that of an equal partner.



Figure 1 King Mohammed VI and his wife Salma Bennani

Bennani herself has transformed many stereotypes of the woman's role in a traditional marriage. She is highly educated in mathematics and computer science. Before her marriage, Bennani worked as an information service engineer at the country's largest holding company, Omnium Nord-Africain Group, and she had the option of continuing to work after her marriage. Upon her marriage, for the first time, a royal Moroccan wife was given a title, Princess Lalla Salma, elevating again the wife's position to the highest rung of Moroccan society. As the wife of the monarch, Princess Salma has assumed a "first lady" role. She appears often in public, travels internationally representing Morocco, and

champions her own causes: AIDs awareness, cancer research, and reducing illiteracy in Morocco.

Mohammed and Salma's relationship has expanded traditional Moroccan views on marriage, the woman's role, and husband-wife relations. They have cultivated a modern family image through family videos of them together and with their children that are extensively available on YouTube, recalling the visibility of John F. Kennedy's family in the Presidency. Mohammed VI also depicts himself as a major player in world politics, rubbing elbows with world leaders while maintaining a careful balance between his image as traditional leader and modernizer.²⁷

In addition to his modern marriage, Mohammed VI is a highly educated Moroccan, having received his PhD in Law in 1993 from the French University of Nice Sophia Antipolis with his thesis on "EEC-Maghreb Relations" and an honorary degree from George Washington University for his promotion of democracy in Morocco. Mohammed VI seems the perfect western ally. In his initial television address to the nation, Mohammed VI promised to improve Morocco's human rights record, take on poverty and corruption, and create jobs. He has focused largely on these priorities. In his first interview after assuming his position as king, Mohammed VI indicated that Morocco still had much to do in terms of democracy, but that he would only pursue a democracy particularly appropriate for Morocco.

III. Morocco's Human Rights Legislation and Gender Parity

²⁷ www.youtube.com/watch?v=bZloTbN10RO
www.youtube.com/watch?v=luEDVjTqxMc&feature=related

Mohammed VI addressed many of these priorities quickly upon taking the throne. With regard to human rights, the King improved his image by distancing himself from human rights violations committed under his predecessors. In 2004 he launched the Equity and Reconciliation Commission (IER) to investigate human rights' violations from 1956-1999, which included the tenures of his father and grandfather. This commission was the first of its kind in the Arab world. While the IER offered restitution to the victims of human rights' violations, the commission did not name the perpetrators, presumably out of respect for King Mohammed VI. Mohammed VI's willingness to acknowledge past wrongs committed during his family's rule marked a new phase in leadership and accountability. Mohammed VI also released many political prisoners, including the head of the banned Justice and Charity Movement (JC), Sheikh Abdessalam Yassine, and some of the nearly 2,000 Moroccans imprisoned following the 2003 Casablanca bombings. Morocco's engagement with the West is bolstered by the king's embrace of the Universal Declaration of Human Rights, which transcend into women's rights.

Following the February 2011 demonstrations, in a rare televised address to the nation, the King promised still further constitutional reforms. One change in the 2011 Constitution directly affecting women is article 19, which guarantees women's "civic" and "social" equality with men, whereas before only their "political" equality was institutionalized. In this vane, the new constitution also created an Authority for Equality and Fight against All Forms of Discrimination to bring into practice the recognition of these equal rights.

With regard to gender parity and women's empowerment, Mohammed VI has appeared quite progressive. While the 1957 Constitution declared women to have the

same rights as men, what was practiced in Morocco was Family Law known as “Moudawana.” The Moudawana, which is a personal status code, is based on the Qur’an, the hadith, and the Malikite doctrine of jurisprudence and is therefore considered by Moroccan Muslims to be enviable. The Moudawana nevertheless has undergone three major reforms since Moroccan independence in 1956. In the first reform in 1957, Mohammed V enacted by royal decree the first Personal Status Code, saying that women should be allowed to participate in society. Women still needed the support of their *wali* or legal guardian to marry and had no rights with regard to divorce or child custody. Under the 1957 Code, women remained perpetual minors with “custody” transferring from father or brother to husband.

Following extensive pressure from the women’s movement, especially the Union for Feminine Action (UAF), Hassan II met with the women and then took their concerns before the Islamic religious scholars or Ulama for a ruling. In 1993, again through royal decree, major changes were adopted into the Moudawana. These second reforms were a huge step forward for women and opened the door for the first time in centuries to substantive change in the prevailing Moudawana. According to the 1993 revisions, a man needed his wife’s permission to take another wife, a wife would get custody of the children in the event of her husband’s death, and a religious judge’s approval was required for divorce. Moroccan women celebrated the progress, but still were not satisfied with their second-class status. The UAF organized huge demonstrations and campaigns to get one million signatures in favor of additional reforms. During this time, the women’s movement faced opposition from within the government from the Ministry of Religious Endowment and Islamic Affairs and outside the government from the

Association of Moroccan Ulama.²⁸ Moroccan women continued to protest and in 1999 during Hassan II's reign the Moroccan government adopted a National Action Plan to incorporate women into the economy, protect women from violence, and raise the low levels of female education.

Most recently, in 2004 under Mohammed VI, a third series of Moudawana reforms was passed, notably adopted by the Parliament, and not by royal decree, which further ensured the protection of women and children. The 2004 Moudawana includes raising the marrying age of women from fifteen to eighteen to equal that of men, allowing women to enter into marriage on their own, requiring men get permission of their first wife before marrying again and notifying the second wife of the existence of a first wife, granting women the right to divorce, and amending child custody laws to favor the best interests of the child. The 2004 reforms also introduced family courts to ensure that the new laws are enforced.²⁹ These reforms greatly increased gender parity in Morocco on paper, decreasing women's marginalization within the family.

²⁸ Ghazalla, Iman. "Sculpting the Rock of Women's Rights: The Role of Women's Organizations in Promoting the National Plan of Action to Integrate Women in Development in Morocco," 2001, p 16.

²⁹ www.cedaw2011.org/index.php/cedaw-works/ratification-in-action/Morocco

Constitutional Reform of Moudawana						
Year	Monarch	Women in Society	Legal Guardian to Marry	Divorce	Child Custody	Polygamy
1957	Muhammad V – royal decree	Yes	No rights	No rights	No Rights	
1993	Hassan II – royal decree			Religious judge approval	If husband dies	Man needed permission
1999	National Action Plan for Women – incorporate in economy, raise literacy, reduce violence against women					
2004	Mohammed VI – adopted by parliament		Women enter into marriage on their own; Raised legal marrying age to 18	Women can also divorce	In child's best interests	Permission of 1 st , notify 2 nd wife
July 1, 2011	Proposed by King; national referendum	Now civil & social equality w/men				

Public reaction and qualitative improvements in the lives of women have been largely positive. With regard to the 2004 Moudawana, the number of women who contract marriage on their own has increased substantially and women are taking advantage of the divorce laws.³⁰ Many women, however, especially among the rural elements, are unaware of their rights under the Moudawana, including their right to divorce and what constitutes grounds for a divorce. Judges are also proving capable and amenable to applying the many provisions of the Moudawana, especially the laws regarding marriage and alimony and laws based on irreconcilable differences.³¹ Women have irrefutably experienced greater gender parity since passage of the 2004 amendments.

With regard to international laws affecting women, Morocco has also been progressive and aggressive in compliance. In 1993 under Hassan II Morocco signed the United Nations Convention on the Elimination of all Forms of Discrimination (CEDAW),

³⁰ Zoglin, Kate, "Morocco's Family Code: Improving Equality for Women," Human Rights Quarterly, Volume 31, Number 4, November 2009, p. 977.

³¹ Zoglin, pp. 979-982.

but only with reservations to articles 2, 9 (2), 15(4), 16, and 29, which contradicted national or Islamic law. “These reservations deal with the legal and constitutional equality between men and women, equality within the family, the right of women to pass on their nationality to their foreign-born spouses and children, and women’s right to freedom of movement.”³² In December 2008, King Mohammed indicated that reservations were no longer necessary in Morocco’s embrace of CEDAW since Morocco had “passed an updated national family law in 2004 increasing women’s legal rights.”³³ In fact, the new Family Code used article 16 of CEDAW as a guide granting women greater equality and protection for their rights within marriage and divorce, giving husbands and wives joint responsibility for their families.

Changes to the Moudawana were not the only gendered reforms under Mohammed VI, the 2003 Penal Code and 2004 Labor Code also have relevant clauses affecting women. The 2003 Penal Code criminalized sexual tourism, sexual abuse, trafficking in persons and child pornography. Criminalizing domestic abuse was another major step forward in penal code reform, which until these amendments looked upon domestic violence as a family affair in which law enforcement would not interfere. In 2007, the Ministry of Social Development, Families, and Solidarity published the first official data on violence against women in Morocco. A total of 17,511 cases of violence were reported from 2006 to 2007, with 23 percent of these cases identified as physical

³² Nadia Guessous. “Having a Conversation on Other Terms: Gender and the Politics of Representation in the New Moroccan Government” 9 January 2011. www.jadaliyya.com/pages/index/3983.

³³ www.womensenews.org/WENews Staff, “Morocco Accepts CEDAW,” 13 December 2008.

violence.³⁴ Marital rape is still not considered a crime and criminal charges against rapists are dropped if the rapist agrees to marry his victim as illustrated in the recent Amina Felali tragedy. In addition, the Moroccan Labor Code was revised in 2004 to counter sexual harassment in the workplace. This law also increased the minimum employment age from twelve to fifteen to combat child labor. Many underage girls work as domestic servants and in textiles in Morocco.

One last piece of legislation improving gender parity in Morocco was amendments to the Nationality Code in 2007, which gave women equal rights to transmit nationality to their children.³⁵ Prior to this, the 1958 Nationality Code allowed only fathers to pass on their citizenship to Moroccan children, now women married to foreigners can pass on their Moroccan citizenship. Without this law, children living in Morocco with a Moroccan mother and foreign father were foreigners in their own country, having to apply for residence permits annually and denied state-funded university grants and the right to vote.³⁶

IV. Challenges to Progressive Legislation Enactment

With all the mixed signals of social and legal progress coupled with popularly approved constitutional reforms, it is difficult to determine if Morocco is taking steps towards democracy or sidesteps in order to maintain monarchical control. Extremely important is the degree to which Mohammed VI can activate the changes he has fostered in human rights, family law, and parliamentary liberalization. These reforms have

³⁴ www.stopvaw.org/morocco

³⁵ Ibid.

³⁶ "Morocco's Nationality Code Amended" (www.wluml.org/node/3484)

certainly opened up social and political space within which universal human's rights, greater government accountability, and improved gender parity can progress. One challenge in institutionalizing these new laws is the high illiteracy rate in Morocco, which makes promulgation and activation of new laws problematic. In addition, certain freedoms, such as freedom of speech and freedom of the press, are granted as long as the king and his policies are not criticized.

V. The Status of Moroccan Women: Human Development

In addition to human rights legislation, King Mohammed is pursuing development projects at home, engaging in international markets, and pursuing foreign investment in Morocco's economy. In 2005 the King launched a National Initiative for Human Development (INDH), funded in part by loans from the World Bank, which included a \$2 billion program to alleviate poverty, expand electricity to rural areas, and replace urban slums with public and subsidized housing.³⁷ While focusing on these proactive measures at home, King Mohammed is simultaneously engaging the West by entering into a Free Trade Agreement with the U.S. in 2006 and entering advanced status of the 2000 Association Agreement with the EU in 2008. Finally, in June 2010 Morocco launched a media campaign to court foreign investors, particularly France and Spain. Much of the progress of Moroccan women since the 1956 independence has been through human development efforts of women's NGOs, National Action Plans, and other initiatives, such as the INDH.

Two main indicators of human development are literacy rates and educational

³⁷ Martin, Ivan, "Morocco: The Bases for a New Development Model? (I): The National Initiative for Human Development (INDH)," Real Instituto Elcan, April 5, 2006, pp. 1-6.

opportunities. Illiteracy is a major problem in Morocco for both men and women.

Morocco's literacy rates are well below those of other North African states, such as

Tunisia and Egypt for both genders (see Figure 2).

Literacy Rates in Morocco, Tunisia, and Egypt						
	Literacy over age 15 total	Men	Women	Literacy age 15-24 total	Men	Women
Morocco	56%	69%	44%	77%	85%	68%
Tunisia	78%	86%	71%	97%	98%	96%
Egypt	66%	75%	58%	85%	88%	82%

Figure 2 Statistics based on CIA 2011 World Factbook (But census data collected in 2004)

According to Muslim feminists, the first message Allah sent to Muhammad was the first verse of sura 96 "Iqra" (Read). Illiteracy is especially rampant in rural areas of Morocco. With forty percent of Morocco's workforce on farms, illiteracy remains a huge obstacle to the development of society.³⁸ While illiteracy rates among Moroccans over ten years of age have dropped from 43% in 2004 to 38.5% at the end of 2006, rural areas remain at 55% illiterate.³⁹ There is a discrepancy, however, between the genders with a higher percentage of illiteracy over age 15 and 25% more men than women literate in this age range. In 2004 three quarters of all women in Morocco were illiterate.⁴⁰ Morocco has made eradicating illiteracy a national mandate, seeking to "teach one million people per year to read and write, to bring the illiteracy rate below 20% by 2010 and to completely eradicate it by 2015."⁴¹ Nevertheless, as of 2011 it was estimated that 55% of all

³⁸ Bradford Dillman, "Morocco's Future: Arab, African, or European?"

(www.wafin.com/bradford.phtml)

³⁹ www.maghreb.com "Illiteracy rate in Morocco drops to 38.5%." April 20, 2007.

⁴⁰ United Nations 2007 Literacy Policies and Strategies in the Maghreb: Comparative Perspectives from Algeria, Mauritania and Morocco. Research paper prepared for the UNESCO Regional Conferences in Global Literacy.

⁴¹ Ibid.

Moroccan women and 90% of all rural women were still illiterate.⁴² As the 2011 CIA World Factbook Literacy ratios were based on a census taken in 2004, it is impossible to corroborate if the 20% improvement for 2010 was accomplished. Due to the literacy campaign, illiteracy statistics among the younger generation are improving for both genders. Women, however, are still 17% more illiterate than men revealing a gender bias in education favoring men over women. Illiteracy has wide-ranging consequences for the development of society and a democratic representative government. As Nadia Yassine, the daughter of the Islamic Justice and Charity (JC)'s founder, highlights "the conditions for political and democratic participation in Morocco are not present. How are people to vote and choose their leaders when an important segment of the population is illiterate?"⁴³ Comparatively, in Tunisia and Egypt, literacy rates of the younger generation, especially among women, show that it is a higher priority and with greater success. The question that remains is to what degree the Moroccan government has taken practical steps to ensure that the literacy goals are realized by 2015.

In Tunisia and Morocco, increases in literacy run parallel to increases in secondary and tertiary education (see Figure 3). Morocco as well has shown a similar push towards instituting universal education. In 1963 Morocco made education compulsory for children ages 8-13. While Tunisia and Morocco have both experienced increases in educational levels, Tunisia has almost twice the levels of secondary attendees and three times the number of tertiary students as Morocco.

⁴² www.genderacrossborders.com Edwards, Christie, "Women and Education," March 28, 2011.

⁴³ Amghar, Samir, "Political Islam in Morocco," p. 4.

Secondary School Attendance: Morocco, Tunisia, and Egypt			
	2006	2007	2008
Morocco	52	56	No Data
Tunisia	87	90	92
Egypt	No Data	No Data	No Data

Tertiary School Attendance: Morocco, Tunisia, and Egypt				
	2006	2007	2008	2009
Morocco	12	11	12	13
Tunisia	32	34	No data	No data
Egypt	29	29	28	No data

Figure 3 Percentage of Secondary and Tertiary Education Attendees Based on World Bank Statistics

The educational level of a society generally affects its stability and democratic leanings as “schooling trains people to interact with others and raises the benefits of social participation, including voting and organizing.”⁴⁴ As a populace becomes more educated, they are capable of organizing, forging alliances, and demanding a more active role in the mechanisms governing their society and personal wellbeing. Moreover, women’s prospects improve as their level of education increases. “Illiterate women have an average of 4.7 children, while women with secondary education have an average of 3.7, and university educated women have 2.3 children on average.”⁴⁵

One aspect of illiteracy and education rates not frequently addressed in Moroccan or international media is the large population of Berbers, some estimates as high as 50%, of the Moroccan population. As all educational materials are in Arabic and some Moroccans speak only Berber this is a source of contention. The 2011 changes to the Moroccan constitution making Berber, along with Arabic, the national language, have the ability to rectify this oversight, but will require additional investment in terms of reading

⁴⁴ Glaeser, Edward, Giacomo Ponzetto and Andrei Shleifer. “Why Does Democracy Need Education?” October 2005, p. 1.

⁴⁵ Fatima Mernissi, *Beyond the Veil* (Cambridge: Schenkman Publishing Company, 1975), p. xxvii.

materials and academic programing.

Another factor, employment opportunity, must also be considered when comparing Morocco's development of women vis-à-vis Tunisia and Egypt. In this area, Morocco shows some of the greatest potential. More women work outside the home in Morocco than in any other Arab country, excluding Lebanon. Moreover, while Tunisia has the highest unemployment rate of the three countries at 14%, Egypt and Morocco have a much lower unemployment rate, 9.4% and 9.8% unemployment respectively. More women are working in Morocco than in Egypt and more Egyptian men are out of work than Moroccan men, with Egypt only having a slightly lower unemployment rate across genders than Morocco. It is notable that while Tunisia has the smallest percentage of any population in the lower class, it has the highest unemployment statistic. This means that Tunisians are more literate, highly educated, but with fewer prospects; whereas an exceedingly high percentage of Moroccans, especially the rural elements, are illiterate with only the upper classes highly educated. Notably, it was a young purportedly college-educated Tunisian, Mohamed Bouazizi, forced to sell fruits and vegetables because he could not find a job, who set himself on fire, thus sparking the Tunisian revolution.

Challenges with unemployment and economic instability necessitating two breadwinner families have strengthened women's argument to enter the labor force. Some Moroccan employers prefer to hire women over men, but not from an equality of opportunity standpoint, instead, employers choose to hire women over men because

women are willing to accept a lower wage and fewer benefits.⁴⁶ The decision to pay women less and compensate them less is due in part to the perception that while men are obligated to support their families, women are not obligated in traditional Muslim society to be providers. Women in Rabat commented, “women only want to get money for makeup.”⁴⁷ While not true, of course, for most women, this stereotype perpetuates uneven compensation for the work of women. Consequently, women are not viewed as the “head of household” in Morocco, justifying the continued gendered salary discrepancy.

While generally seen as a positive good, employment opportunity can also have negative repercussions as illustrated by the “extremely high child labor rates, with tens of thousands of girls under fifteen working as child maids, working in the textile industry, or apprenticing in traditional arts and crafts.”⁴⁸ Child labor also impacts literacy rates as it affects the girls’ ability to finish their education. Likewise, a lack of education forces some women into subordinate positions as maids and service industry employees, poorly-paid labor. Whereas employment provides Moroccan women with financial freedom and options, women who work still return home to unpaid work as housewives. While working women may enjoy more respect from their husbands and extended family, nevertheless, concern exists about who is raising the children in Moroccan society if the wife is employed.

⁴⁶ Katulis, Brian, “Women’s Freedom in Focus: Morocco,” 5 March 2004, p. 14.

⁴⁷ Ibid.

⁴⁸ www.genderacrossborders.com Edwards, Christie, “Women and Education,” March 28, 2011, p. 3.

A final consideration regarding labor conditions in Morocco is the high level of Moroccans working abroad. Among African countries, Morocco has the highest number of its citizens living and working in European countries, primarily France and Spain, which by some estimates reaches 10% of the total Moroccan population. This export of Moroccan workers improves the lives of Moroccans who send back remittances to families still living in Morocco and increases employment opportunities for those remaining in Morocco. However, there are questions about the negative impact of remittances on local development. Historically the majority of these migrants were married men going abroad to work and sending remittances back to families residing in Morocco, but today many of these migrants are single men and women going abroad to study, who are staying abroad to work. In addition, women are going abroad with their families or alone and taking jobs as domestics, nannies, and cleaners, jobs that men generally do not take. Regardless, remittances play a vital role in Morocco's economy, topping that of foreign tourism in terms of foreign investment in the Moroccan economy.⁴⁹

VI. Global Forces: Urbanization and Middle Class Development

Along with human development, economic options also unleash global forces, such as increased urbanization and a rising middle class. Morocco, along with Egypt and Tunisia, has experienced population growth and rapid urbanization (See Figure 4). With the best land appropriated for cash-crop export sales, peasant families are flocking

⁴⁹ Tom Lochery, "SIT Study Abroad Morocco Migration Studies," Fall 2008 (www.digitalcollections.sit.edu/cgi/viewcontent.cgi)

to the urban centers in search of work.⁵⁰

Population and Urbanization Statistics			
	Morocco	Egypt	Tunisia
1950s Population	13 million	42.3 million	NA
Population Today	32 million	82 million	11 million
Urbanization %	58%	43%	67%

Figure 4 Urbanization Statistics on Morocco, Egypt, and Tunisia based on CIA World Fact Book Statistics

Higher rates of literacy and education are characteristic of urban centers compared to their rural counterparts and an urban-rural divide is clearly prevalent in Morocco. Urban centers are where the educated gather, share ideas, and increase their economic prospects. Urbanization in Morocco has introduced major changes in traditions, patterns of consumption, attitudes, institutional arrangements, knowledge base, and political awareness.⁵¹

In addition, urbanization in Morocco has greatly affected the status of Moroccan women. Women in urban areas tend to marry later in life and have more educational and career options than rural women. Urbanization contributes extensively to sexual desegregation of public space, increased importance on the nuclear families, and increases in offspring choosing their own marriage partner. In urban settings the marrying age rises, whereas in rural settings girls marry younger and to older men. In urban settings the marrying age is closer between men and women as women wait longer to get married and urban more educated men are financially able to marry younger. Urbanization and the nuclear family have repercussions for the children as well since in

⁵⁰ Fatima Mernissi, *Beyond the Veil*, p. 159.

⁵¹ Erbach, Jerry, "Morocco Urban Development Assessment," USAID/Morocco, November 1998. pdf.usaid.gov/pdf_docs/PNACD653.pdf

rural extended families, grandmothers, aunts, and older children help look after younger children. The increased interaction between men and women in urban settings also leads to greater equality between the genders. Moroccan feminist, Fatima Mernissi, would suggest that this desegregation introduces love into urban marriages whereas rural marriages are more likely to be arranged and occur earlier than their urban counterparts.⁵²

A strong middle class is able to hold the government accountable for improved living conditions through unions, civic organizations, and mass demonstrations more efficiently because the middle class is the backbone of the state's economic viability. A study conducted by Morocco's High Commissioner for Planning (HCP) in 2007 asserted that 53% of the Moroccan population is middle class, 34% lower middle class and 13% upper class. In this study, the Moroccan middle class expressed a number of social concerns, which included the high cost of living, drought, school drop-out, unemployment, disease, and a lack of security.⁵³ Tunisia's middle class, on the other hand, is larger, more highly educated and better off economically than that of either Morocco or Egypt (See Figure 5), and they were the first in North Africa to rise up against autocratic rule.

Middle Class Development: Morocco, Tunisia, and Egypt			
	Morocco	Egypt	Tunisia
Lower	34%	40%	13.8%
Middle	53%	40-50%	80%
Upper	13%	Less than 10%	6.2%

Figure 5 Middle Class Development

⁵² Fatima Mernissi, *Beyond the Veil* (Indiana University Press: Bloomington, 1987), pp. 102-108.

⁵³ www.moroccobusinessnews.com "Middle Class Makes up 53% of Moroccan Population, HCP," July 5 2009

A larger middle class provides the critical mass of education, economic means, organizational opportunity, and collective political presence to demand government responsiveness and Tunisia had just these elements in place in 2011. Having a larger portion of the population middle class instead of upper class prevents them from having as much of a vested interest in maintaining the status quo and existing privileges. Moreover, it is harder to coopt the economically-free-agents middle class than the lower classes that are dependent on government subsidies and the upper classes that are the recipients of government perks and favors.

VII. Women's Political Representation

Finally, women are gaining access to political power through changes in electoral codes and political quotas. A new gender inclusiveness is apparent in Morocco's parliamentary elections and until 2011, recent cabinet appointments. In 1993, only two women were elected to the Chamber of Representatives or lower house, but in 2003 Morocco introduced a proportional list system and increased the number of women elected to thirty-five. Of those, thirty members were elected nationally to seats reserved for women and five were elected via local elections. With this election Morocco went from 1% of female representation in parliament to 11%, ranking second only to Tunisia in terms of female representation in politics among Arab states.⁵⁴ The 2007 parliamentary elections in Morocco were seen as a step back for women with only 34 females elected to parliament. To compensate, Prime Minister Abbas El Fassi appointed seven female ministers, ranging from energy to culture, compared with only two

⁵⁴ Tahri, Rachida. "Women's Political Participation: The Case of Morocco," The Implementation of Quotas: African Experiences Quota Report Series by the International Institute for Democracy and Electoral Assistance, 2004, p. 32.

ministers in the previous government. These appointments were seen as a way of placating the women's movement in Morocco after the less than satisfactory parliamentary representation. In the most recent parliamentary elections held in November 2011, sixty reserved seats were earmarked for women from the national lists, plus seven more women were elected in local elections, and thus the number of women in parliament rose to 67 or 17%, equaling the 17% women in the U.S. House of Representatives in 2011. In recent cabinet appointments, however, only one woman was named to the cabinet, which has received extensive complaints and will be dealt with further in chapter 4.

	Number of Women in Parliament	Percentage of Representatives	Women Cabinet Members	Party Affiliation
1993	2 women	1%		
1997	2 women	1%	1 st Woman Minister of State	
2003	35 women	11%	2 Cabinet Members	
2007	34 women	11%	7 Cabinet Members	
2011	67	17%	1 Cabinet Member	PJD

Figure 6 Moroccan Women's Political Representation 1993-2012

VI. Conclusion: Mohammed VI's Legacy and Executive Power Concerns

Based on the comparison of Morocco to Tunisia and Egypt, two countries that did choose to overthrow their current governments, early reforms made by King Mohammed

may have filled the Emotional Bank Account of Moroccans and contributed to Mohammed VI's longevity in power, especially with regard to his progressive women's legislation. In addition, many of the traditional pre-cursors to a transition to democracy are simply not as evident in Moroccan society as in Tunisia and Egypt, especially a strong middle class, high literacy rates, and broader levels of education. To extend the advancement of women into all spheres of society, actors from NGOs, the government, and aid donors, must engage the women, the Muslim feminists, whom they are trying to promote in order to determine the most beneficial path to follow to meet the needs of local communities and individuals.

Despite his progressive gendered reforms, some concerns remain with regards to the institutionalization of Mohammed VI's reforms and potential setbacks to the egalitarian path he promotes. A main rival and alternate pathway may come from the Islamic PJD and an Islamic retrenchment when faced with the current progressive reform agenda. Gains must be institutionalized and widely promoted and accepted in society for their consolidation and longevity to be assured.

The king's choice of electoral systems calls into question his desire to foster a strong counter-voice in Moroccan society or if elections and a government are just scapegoats for any malcontents, while the king remains above reproach. In 2002 the Interior Ministry on behalf of the king restructured the electoral laws from a pure single-member-district system into a PR system with two lists and the remainder system, which makes it unlikely for any party to win more than one seat per district.⁵⁵ This manipulation of the

⁵⁵ McFaul, Michael and Tamara Cofman Wittes' article "The Limits of Limited Reform" in the *Journal of Democracy*, Vol. 19, Number 1, January 2008, p. 21.

electoral process to achieve certain political ends dilutes parliamentary power to the benefit of the monarchy. The Moroccan electoral process remains embedded in power structures that tend to reproduce, rather than challenge, the status quo.⁵⁶ Moreover, the king can dissolve the parliament, legislate between sessions, declare a state of emergency, and revise the Constitution through a national referendum, which reveals the extensive powers resting with the executive branch to the detriment of the legislative.⁵⁷

Even constitutionally, the king maintains complete power. According to Articles 23 and 28 of the constitution, it is a crime to criticize the king's policies and decisions. Thus, opposition voices within the legislature are silenced. Article 39 curbs members of parliament, who can lose their parliamentary immunity for expressing opinions that may be considered disrespectful to the king. Better to remain silent than to risk inadvertent offenses with professional and perhaps legal ramifications. It is difficult to see how a true opposition can develop when there is no political space in which to critique, challenge, or even question the king. If the king has the power to dissolve parliament and disband the government, he still retains ultimate control.

The opening of political space through elections may, however, allow for the development of true democracy, including competitive elections, meaningful opposition parties, and freedom of expression. Now that the people have elected their first prime minister indirectly by electing his party, the real test is the power King Mohammed allows him to wield. The absence of substantial checks and balances within the

⁵⁶ Sater, James, "Parliamentary Elections and Authoritarian Rule in Morocco," The Middle East Journal, Vol. 63, Nr. 3, Summer 2009, p. 384.

⁵⁷ Maghraoui, Abdeslam, "Monarchy and Political Reform in Morocco," Journal of Democracy, Vol. 12, Nr. 1, January 2001, p. 79.

executive, judicial, and legislative branches creates opportunities for individual excess of power. The recent referendum-approved constitutional reforms also granted the prime minister more control over his cabinet and the people more electoral control in that the prime minister will be chosen from the majority party in parliament. While this distinction gives the appearance of the king loosening control, Mohammed VI still retains significant power. The king still controls the military and perhaps more importantly the powerful local governors are still appointed by the king. Much of the power in Morocco resides in these local political figures.

By all accounts, the 2007, 2009, and 2011 elections in Morocco were “among the most free and fair elections globally in years.”⁵⁸ The overriding power in the country, however, rests in the monarchy, which is not accountable to the people and above the law. The king names the key ministry positions, including Justice, Defense, Foreign Affairs, Religious Affairs, and the Interior Ministry. Under King Hassan, a 1996 constitutional amendment provided for the direct election of the entire Chamber of Representatives (lower house) while giving representatives in the Chamber of Councilors (upper house) unparalleled power to check the lower house.⁵⁹ Notably, public associations and municipal bodies loyal to the king, elect the upper house, not public voting. In addition, eighteen provincial governors, appointed by the king, wield the majority of the provincial power, while the mayors and local councils, with substantially less power, are elected by the Moroccan people. The king also appoints judges, so the prospects of an independent

⁵⁸ www.prweb.com/releases/2011/11/prweb9004306.html

⁵⁹ Maghraoui, Abdeslam, p 79.

judiciary are not realized.⁶⁰

King Mohammed VI continues largely to reign as an “enlightened despot” similar to his father, but with a gentler and more inclusive approach. While many of his policies and reforms are very popular among Moroccans, there are also clear signs that everyone is not satisfied in Morocco and people are disillusioned with the façade of Moroccan electoral politics. In the 2007 elections, perhaps, the voices of the Moroccan people were heard most strongly when they chose **not** to exercise their right to vote. Only 37% of registered voters cast ballots and about one-fifth of the cast ballots were spoiled.⁶¹ The official participation rate of registered voters in 2007 was down from 51.67% in 2002, and 58% in 1997 elections to Morocco’s lower house.⁶² If Moroccans are not allowed to verbalize their attitudes towards their monarchy or perhaps their government in public, they will express their opposition at the polls.

King Mohammed’s title as Commander of the Believers and a descendant of the Prophet, places him above reproach, especially from would-be opposition elements among the Islamic parties. Islamists, however, inside and outside the government have opposed the progressive stance towards women as anathema to Islam and a Western concept. Morocco’s signing of CEDAW in 1993 and the National Action Plan in 1999 were both opposed by Islamists who see Western democracy and Western feminism as incongruent with Islam. When the Salafiya Jihad carried out the May 16, 2003

⁶⁰ McFaul, Michael and Witte, p. 29.

⁶¹ McFaul, Michael and Witte, p. 24.

⁶² Sater, James, “Parliamentary Elections and Authoritarian Rule in Morocco.” The Middle East Journal. Vol. 63, Nr. 3, Summer 2009, p. 391.

Casablanca bombings, their actions acted as a catalyst for women to demand further institutionalization of their rights.

With the Islamic Party of Justice and Development (PJD) winning the most seats in parliament and thus its leader, Benkirane, became the new Moroccan Prime Minister, two questions remain: First, can the PJD deliver where secular parties failed and avoid charges of corruption and complacency? Second, have events such as September 11 and the Casablanca Bombings reversed the extremist trend of some Salafi movements in Morocco and moderated their political and social agenda? The arrival of the PJD to preeminence in Moroccan politics and the potential impact of political Islam in Morocco will be addressed further in Chapter 4.

It is clear that some measures taken by King Mohammed have served to consolidate and protect monarchical authority rather than to promote increased democratization. King Mohammed balances a thin line between the West's shining example of an Arab progressive and the autocratic religious leader of the Alaouite dynasty, placating progressives within the country while simultaneously mollifying Islamic elements.

Mohammed VI's innovative policies and gendered reforms seem to have appeased the Moroccan people, who see him as a reformer and the best choice for Morocco's future. Furthermore, Morocco seems developmentally premature for a transition to democracy similar to that in Egypt and Tunisia. Some Moroccans would like to see a parliamentary monarchy more along the lines of Great Britain and Spain, with the monarchy playing a largely ceremonial role while the real power rests in the parliament

and prime minister, others feel the government, not the monarchy, is corrupt and they stand by their king as knowing what is in the best interests of Morocco.

In conclusion, Mohammed VI's reforms, initiatives, and personal image have assuaged critiques in favor of the continuation of the Moroccan modernizer, democratizing Morocco in a particularly "Moroccan way," while maintaining the majority of national power in his own **unelected** hands. Morocco seems on the right path towards greater pluralism, however, due to the efforts of Mohammed VI, civil society, NGOs, and foreign donors. The problem will be that his reforms and initiatives are not institutionalized, that democracy will not be consolidated, that public institutions will only represent fleeting images of national consensus, and a less progressive autocrat will follow Mohammed VI.

Chapter 3: Progressive Egypt: The Women's Revolution

Women's Empowerment and Gender Parity under Mubarak and Beyond

I. Introduction: Muslim Feminist Perspective

Muslim feminists see God's word in the Quran and the Prophet Muhammad's example (*sunna*, and hadith) as supportive of the elevation of women's status and voice in Muslim society. Nevertheless, the predominant conservative *interpretation* of Islam has meant an entrenchment of Islam in seventh-century patriarchal norms. Progressive legislation increasing women's empowerment and greater gender parity in Egyptian society challenged these social norms prior to and during the Mubarak era. This paper analyzes the major trends in Egyptian women's empowerment leading up to the Mubarak era, then focuses on substantive pieces of legislation passed during Mubarak's thirty-year leadership to show the extensive gains made by women. Major legislative reforms have: raised women's legal marrying age; equalized rights of divorce, inheritance, and child custody; created additional legal institutions to oversee the new laws; and allocated financial resources to enable their enforcement.

II. Egypt's Ideological Underpinnings and Women's Advancement

Nineteenth-century Egyptian leader Muhammad Ali equated societal progress with the education of women. Thus, Egypt began to define a framework for not only women's advancement, but the advancement of Egyptian society. Under Ali, upper- and middle-class women were granted the opportunity to an education, which later expanded to all socio-economic levels of society. In 1832 the state built a school to train women doctors, but no further advances until the 1870s.⁶³ In the 1870s Egypt launched a major

⁶³ Leila Ahmed, Women and Gender in Islam, p. 134.

educational reform initiative that created a bifurcated educational system, pitting modern secular education against traditional Islamic education.

In the twentieth century, Egypt experienced three distinct phases of governance, each influencing the role of women in Egyptian society. First, was a period of democratic governance under the Wafd party; second, a period of Soviet leanings and socialist development under Nasser; and third, under Sadat and Mubarak, a period of Western-leaning Egyptian nationalism. Each of these distinct phases left its mark on the pathway of women's advancement and development in Egyptian society.

In 1918, the Wafd party came to power in Egypt, issuing in three decades of democratic governance. The Wafd party, filled with modernizing intellectuals promulgated a platform of democracy, which included a constitution guaranteeing the rights of the individual, pluralism, and secularism committed to the equal rights of all Egyptians. Once in power, the Wafd promoted education as the key to progress. To this end, the Wafd opened free schools for girls and boys. In addition, the Wafd opened a modern university named after King Fuad, which admitted women almost from its inception. The Wafd's political goals and platform carried villages as well as major cities, showing its appeal across a wide spectrum of rural and urban elements.⁶⁴ The Wafd institutionalized its political ideals in the 1923 Constitution, which granted equal rights to all Egyptians without distinction of race, language, or religion. By the mid-twentieth century, Egypt was a European-style country politically, committed to: freedom of speech; free public education; the modernization of the role of women; ending the practice of veiling; and government by democracy.

⁶⁴ Ahmed, A Border Passage (New York: Penguin Books, 1999), pp. 7, 94, 152, and 257.

This period of democratic experimentation was cut short in 1952 when a group of young army officers ousted King Farouk, abolished the constitutional monarchy, and ended British occupation of the country. Under the leadership of President Nasser, a new phase of Egyptian history began, characterized by the rise of Arab nationalism and Egypt's turn towards the Soviet Union and socialism. During this period, Nasser eliminated the growing power of the Muslim Brotherhood, the Communists, and remaining Wafd loyalists by banning all opposition political parties, followed by crackdowns and arrests of opposition elements. In 1956, Egypt drafted a new constitution, which created a one-party system and eliminated the pluralism that had been prevalent during the Wafd period. The military's consolidation of power and privilege in Egypt foreshadowed the current power play occurring today in which the military and the Muslim Brotherhood are once again vying for power, privilege, and the loyalties of the Egyptian people. Under Nasser and Arab Socialism, the status of women improved dramatically in Egypt. Egypt embraced free public education for both secondary and tertiary levels and encouraged professional mobility, regardless of class.⁶⁵ While Egyptian women enjoyed a time of advancement with ideological and political support, democracy and pluralism suffered under Arab Socialism.

Following the disastrous 1967 Arab-Israeli War, Egyptian Presidents Sadat (1970-1981) and Mubarak (1981-2011) moved Egypt firmly into the Western camp, but their leadership was seen as increasingly corrupt and illegitimate. Sadat re-instituted the multi-party political system, stifled by Nasser. He also liberalized the Egyptian economy, reducing subsidies and retracting the excessive state bureaucratic system, leading to

⁶⁵ Leila Ahmed, A Border Passage, p. 12.

widespread unemployment. Politically, Sadat accommodated the Islamists, freeing political prisoners and engaging in political dialogue, but his unpopular 1973 peace treaty with Israel fueled resentment among Islamic elements, leading to his 1981 assassination.

Mubarak maintained his hold on power with strong ties to the U.S. complete with a large annual financial aid packet, estimated at 2.1 billion dollars. Mubarak used Sadat's assassination to impose emergency law, which gave the state extensive powers to unwarranted arrests and curbs on basic freedoms. Mubarak also used Sadat's assassination as justification to crack down on Islamic elements, among them the MB. Under Mubarak, Egypt enjoyed a period of stability and relative economic prosperity, but the opposition voices grew as Mubarak allowed some democratic political liberalization to give rise to simmering grievances.

III. Egypt's Human Rights Legislation and Gender Parity

This section focuses on the advances of Egyptian women during the Mubarak era. The key indicators of progress addressed are: first, progressive human rights legislation and personal status reforms; second, human development factors in terms of increased literacy, educational advancement, and professional opportunities; third, major global changes, such as urbanization and middle class development, and finally, women's political representation.

Many argue that the concept of universal human rights is just another attempt at Western cultural hegemony. The United Nations Human Rights Charter is based on democratic assumptions, namely the sovereignty of the individual, over the community.⁶⁶ This concept of the community over the individual rings of Socialist principles, but is

⁶⁶ Majid, p. 124.

also prevalent in Islamic ideology. Muslim feminists argue the need for an *indigenous* Muslim theoretical and practical reconstruction in the human rights discourse more appropriate to Islamic theoretical origins.⁶⁷ They would frame these human rights contributions in Muslim feminist teachings of which Barlas is one voice advocating an Islamic solution through reinterpretation of the Qur'an and Sunna in keeping with today's realities. Perhaps human rights requires societal contextualization. Feminism in the singular is sociologically inappropriate, perhaps human rights must also be culturally specific.⁶⁸ Even Muslim feminism is a cacophony of voices, each interpreting and tailoring Islam to fit her particular culture and circumstances.

While viewing Muslim societies through a Western lens is replete with pitfalls and shortcomings, nevertheless, the establishment of internationally-accepted basic human rights documentation and protocol is imperative. The international community has been forced to define such terms as "peace-keepers" and their roles and standard of conduct. At one time, these international representatives were as likely to rape as to liberate prisoners of war and refugee camp victims. Defining their code of conduct and setting expectations was pivotal in creating a viable internationally-respected institution. Likewise, international norms must be established to protect and emancipate marginalized and vulnerable segments of the population, such as women and children, through deliberate international codes of conduct and standards, such as CEDAW. Only with these protocols in place, and signatories bound to abide by their goals and principles, can a country be held accountable for the status of its people.

⁶⁷ Amina Wadud, Inside the Gender Jihad: Women's Reform in Islam (Oxford: One World, 2006), p. 8.

⁶⁸ Majid, p. 129.

While women's economic and political rights were guaranteed according to the 1923 Constitution, their social rights were still under the control of men, including guardianship, mobility, and divorce. Human rights and family law are areas of great debate in Islamic society. While most of Egyptian law is civil law, family law for Egypt's Muslim population is based on the Shariah. Most of the personal status laws governing Egypt were codified in Personal Status Law 25 of 1929 and are based on the Hanafi school of jurisprudence. Egypt, using a practice known as *talfiq* or patching, has adopted into its family law some of the Maliki school's doctrines, which provide more flexibility than more traditional interpretations. During Mubarak's almost thirty years in office, progressive personal status legislation has greatly enhanced the status of Egypt's women in areas where they are most vulnerable. Some of the main amendments to this law came in Law 100 in 1985 on Women's Alimony Rights and Law 1 in 2000 containing legislation on marriage and divorce. Subsequent Laws 10 and 11 in 2004 created family courts and a fund to assist in collecting alimony and child support. Finally, in Law 4 in 2005 child custody rights were also revised. These amendments are bringing Egyptian family law practice up to current realities and addressing modern-day problems facing Egyptian families. Each law will be addressed in greater detail in the remainder of this section.

According to Article 20 of Law 100 in 1985, both parents are granted rights of access to their children and in cases where there are no parents then the grandparents have the same right to access. In addition, Law 100 granted Egyptian women who are in a mut'a (temporary marriage) financial compensation or alimony. Moreover, women gained the right to keep the marital home until the end of the child custody. The main

challenge to this law was enforcement. If the custodian does not comply, then the judge will issue a notice. If the custodian still refuses to comply then the judge can award another person temporary custody.

In 1986 women were granted equal rights in public space, but the private space was still largely a man's legal domain. Egyptian women were able at this time to assert their legal rights in public space, but at home the situation could be quite different and they were legally still second-class citizens.

Law 1 of 2000 on Personal Status procedural law was passed which included progressive legislation on marriage and divorce. This law amended Law 25 of 1929 and sought to adapt to changing realities of modern Egypt. According to article 17, women in unregistered marriages known as *urfi* were granted the right to file for divorce. Article 20 contained the Kuhl' laws, which gave women the right to file no-fault divorce in exchange for forfeiting their financial rights. The *khul'* law greatly improved women's status in private space vis-à-vis men, giving them an option to get out of a bad situation.⁶⁹ Article 65 made handing over children or contact with a child or maintenance of a child enforceable by law, including possible imprisonment without bail. Article 67 defined the conditions under which a child was to be handed over as a location safe and secure for the child. While these laws were not important for women in happy marriages, they were crucial for Egyptian women who were trapped in unhappy or violent marriages.

Another liberating decision for Egyptian women came in November 2000 through the Egyptian Supreme Constitutional Court Case 243 in which women were granted the right to obtain passports and to travel without the permission of a husband or father. A

⁶⁹ Leila Reem "Controversy over Suzanne's laws," *Al-Ahram*, 5011 May 2011.

husband can still seek a court order that prevents his wife travelling either along or with their children. Unmarried women over twenty-one do not need permission to travel.

In 2004, Law 10 introduced new family courts aimed at establishing a legal system, often including mediation that is non-adversarial, attentive to the interests of the family, accessible, and affordable. Prior to this amendment, a main complaint about the new 2000 legislation was the long wait to obtain a divorce or settle custody matters. According to 2006 statistics of the Egyptian Ministry of Justice, 80% of the annual cases in family courts were concluded and the rate of success in the work of mediation offices was 40%.⁷⁰ Law 11 was also passed in 2004, which provided for a government-run family fund to facilitate the implementation of court orders for alimony and child support.

In 2005 Law 4 also amended Article 20 of Law 25 from 1929 and granted divorced women custody of their children until age fifteen with maintenance or alimony. At age fifteen the child has the choice of staying with their custodian parent without maintenance until the male reaches the legal age (21) or the female marries. This law granting the mother custody is a significant departure from the traditional Hanafi position that had heretofore shaped Egyptian family law. There are, however, several conditions upon the mother's custodian rights: She will lose custody if she remarries or is shown to be an "unfit" mother. If the woman is not Muslim, she must raise her children Muslim in order to retain custody.

Women have made decisive gains in Egypt in terms of personal status laws governing marriage and divorce, child custody, and alimony. In addition, these laws

⁷⁰ Mulki Al Sharmani, "Family Courts in Egypt: Pathways of Women's Empowerment?" (www.pathwaysofempowerment.org).

show that the Egyptian government will protect the rights of women and prevent them and their best interests from being marginalized in Egyptian society.

IV. Double Standards in Egyptian Society

Although Egypt's women have made huge gains in their status within the family, nevertheless, a double standard exists between the restrictions, privileges, and burdens placed on women and those on men in Egyptian society. Muslim feminists will argue that the gender equality prescribed by the Qur'an was undermined by Arabian patriarchy and foreign importations.⁷¹ Today, women must deconstruct the gender hegemony still prevalent in many traditional attitudes and customs in Egypt that affect women. Some of these areas where double standards persist are social norms and not particular pieces of legislation. Three areas where double standards or discriminatory practices exist that do not fit neatly into legislation are: moral conduct, worship opportunities, and dress.

In Muslim society, for example, clear double-standards exists around questions of moral conduct. Women's chastity and virginity, for example, are highly important in Muslim society. They are considered essential for women, whereas freedom and even licentiousness are looked upon as natural where men are concerned.⁷² In the case of polygamy, according to Islamic law, a man can legally have up to four wives, while a woman may have only one husband. Men are legally sanctioned under polygamy to take multiple partners, while women must observe monogamy in order to ensure succession and keep inheritance in tact.⁷³ In addition, on the question of adultery, the law punishes a

⁷¹ Katherine Bullock. Rethinking Muslim Women and the Veil Changing Historical & Modern Stereotypes. The International Institute of Islamic Thought, London, 2003, p. XXIII.

⁷² Saadawi, The Hidden Face of Eve, p. 27.

⁷³ Saadawi, The Hidden Face of Eve, p. 143.

woman for committing adultery more than her male counterparts. In Egypt a woman can get a two-year prison sentence, while a man cannot be punished for adultery if it is committed outside of his marital home. Women are held to a higher moral standard than men and punished for behaviors legally sanctioned for men.

With regard to worship, there is again a double standard. Men are expected to go to Friday prayers, while for women this is not an expectation. In fact, women are discouraged from attending the mosque, which was initially intended to be a public-space for democratic discourse.⁷⁴ Although Islam is not a canonical faith in that there is no hierarchical priestly structure as in the Catholic Church, men alone are the imams in Islamic mosques. Women, such as Muslim feminists, Amina Wadud, challenge this religious inequality both in word and deed. In March 2005, Wadud broke all religious and social norms when she delivered the Friday khutba at the Claremont Main Road Mosque in Capetown, South Africa. This event was the first of its kind in South Africa.

Another area of a double standard is in clothing concerns. A large portion of Egyptian men wear modern business suits in public and for business undertakings. Muslim women's wearing of the hijab, however, is a very personal choice made by women in Egypt. Wearing hijab is seen by some Egyptian women as their ticket to public space facilitating the role they have to play in society. By wearing the hijab, they can engage in an education and employment without being harassed. In 1990s Egypt wearing the hijab could mean that one was recognizing the law of one's faith, or seeking an acceptable solution to the problem of work and public space constraints.⁷⁵ Muslim feminists, who seek to reinterpret the Qur'an and make it relevant to today's women, note

⁷⁴ Majid, p. 107.

⁷⁵ Bullock, p. 122.

that the words “veil” and “hijab” do not occur in the Qur’an. In fact, only the wives of the Prophet Muhammad and no other women were required to veil in the Qur’an.⁷⁶ The veil is used traditionally to protect women from the gaze and sexual intentions of men. Historically, the veil was used to distinguish which women were under male protection and which were fair game or available.⁷⁷ While there are laws against sexual harassment in Western societies (both in the workplace and in public), no such laws have been passed and strongly enforced in Muslim states. Notably, the Labor Codes in Morocco legislated against sexual harassment in the workplace.⁷⁸ Now the degree to which that legislation can be implemented is pivotal. After securing legislation against sexual harassment in the U.S., the central government required businesses to train their employees annually to recognize sexual harassment in the workplace and proper reporting procedures. Moreover, businesses have made managers accountable for reporting incidents of sexual harassment in the workplace. In Muslim culture, the victim must have witnesses to bring charges for sexual harassment so the burden of proof falls on the victim.

Contrary to western perceptions and uninformed stereotypes, veiling, however, does not preclude feminism. In Egypt the new hijab serves various purposes. First, it is a way of asserting one’s devotion to Islam by embracing your Islamic identity in a visible way. The hijab has not been as widely used among the middle and upper class elements such that lower middle class elements are wearing the hijab to improve their social status. Lower-middle class elements may choose not to wear the hijab to differentiate

⁷⁶ Asma Barlas, “Believing Women” in Islam: Unreading Patriarchal Interpretations of the Qur’an (Austin: University of Texas Press, 2002), p. 53 and Leila Ahmed, Women and Gender in Islam (New Haven and London: Yale University Press, 1992), p. 5.

⁷⁷ Barlas, p. 56.

⁷⁸ Barlas, p. 57.

themselves from the lower classes, which were wearing hijab in the hopes of appearing middle-class.⁷⁹ In contrast, the men seeking power through religion and its revivification are mostly from newly urbanized middle- and lower-middle-class backgrounds, while unveiled women are predominantly of the urban upper and middle class.⁸⁰ Egyptian women who veil do not view the veil as the issue it is to Western observers. Instead, Muslim feminists advocate for a refocus on economic and political rights versus the focus on dress and its implications.

V. Violence against Women in Egypt

“Violence against women is the most pervasive yet under-recognized human rights violation in the world.”⁸¹ In 1993, the UN General Assembly passed a Resolution on the Elimination of Domestic Violence Against Women (A/RES/58/147). In 1995, the Beijing Platform of Action further delineated violence against women (VAW) into three categories: violence within a family, violence within a community, and state-sponsored violence. Egyptian women are the victims of stoning, honor killings, and increasing degrees of domestic violence, even as they are becoming better educated.⁸² This violence thus constitutes an infringement on their social and political progress and is worthy of further exploration.

The most common type of VAW is domestic violence. “Research has shown that a woman is more likely to be assaulted, injured, raped, or killed by a current or former

⁷⁹ Bullock, p. 108.

⁸⁰ Bullock, p. 178.

⁸¹ Mary Ellseberg and Lori Heise. “Bearing Witness: Ethics in Domestic Violence Research” *Lancet* 2002: 359 (9317): 1599-1604.

⁸² Wadud, p. 52.

partner than by any other person.”⁸³ One problem with domestic violence in Muslim culture is the perception that it is sanctioned by the Qur’an. Muslim feminists, however, have reinterpreted the sura in the Qur’an that has been used to justify wife beating, sura 4:34, to mean “to go away from” which is the same word as “to beat” in the Arabic language.⁸⁴ A man should go away from his wife if there is the chance of violence, not beat his wife. This principle is also apparent in the sunna and hadith of the Prophet, who never beat his wives or servants.

In a study of domestic violence rates conducted over nine countries, Egypt fell in the middle with about one-third of ever-married women reporting the experience of domestic violence. In a comparative analysis of 1995 and 2005 Egypt there appears to be a decrease in the more severe forms of wife beating in parallel with an increase in the overall reporting of violence.⁸⁵ Women have traditionally remained in abusive marriages due to unequal divorce laws, non-payment of alimony and child support, and precarious custody rights.⁸⁶ Increased education and upper socio-economic class seem to have the most significant effect in reducing the level of domestic abuse. Likewise, as laws improve women’s status vis-à-vis the men in their lives, they have more options if their marriages turn violent.

Marital rape is a second form of violence within a family. In two 2009 studies of sexual abuse of married women conducted in Egypt, 12 percent of women in Lower Egypt and 17 percent of women in Cairo reported being forced to engage in sex by their

⁸³ USAID Violence Against Women Study, April 2009, p. 8.

⁸⁴ www.sublimequran.org

⁸⁵ USAID Violence Against Women Study, April 2009, p. 9.

⁸⁶ Human Rights Watch/Middle East, Divorce from Justice: Women’s Unequal Access to Divorce in Egypt, (Human Rights Watch Series MENA 16:8, 2004).

partners.⁸⁷ Marital rape is not recognized legally or culturally as a crime in the Muslim world.

A third form of family violence is female genital mutilation or FGM. While some Muslim countries, such as Saudi Arabia and Afghanistan under the Taliban, appear more conservative than Egypt, they do not practice any form of FGM, either the symbolic removal of the clitoris or the full-fledged infibulations. Egypt has long practiced both of these forms of FGM. The tradition, however, is not an Islamic tradition but a cultural practice, dating back to Pharonic times, long before the advent of Islam.⁸⁸ To this end, FGM is practiced equally by Muslim and Christian families in Egypt. According to 2000 Demographic and Health statistics, 97 percent of ever-married women in Egypt have undergone FGM.⁸⁹ Muslim feminists disagree about the prevalence of FGM practices. While Ahmed claims that cliterodectomies are not common among Egypt's upper and middle classes, Saadawi contends that they are still common even among educated urban families with over 50% still considering circumcision as essential to ensuring female virginity and chastity.^{90 91} A 2007 World Health Organization and the Egyptian Ministry of Health report shows a decline in the practice of FGM in the younger generation of girls. Among girls ages 10 to 18 only 50 percent practice FGM: 43 percent in urban public schools, 63 percent in rural schools, and 9 percent in private urban schools have practiced FGM.⁹² While FGM is prevalent among ever-married women, statistics and trends for future generations appear promising that this debilitating practice is on the decline,

⁸⁷ USAID Violence Against Women Study, April 2009, p. 10.

⁸⁸ Wadud, p. 77.

⁸⁹ USAID Violence Against Women Study, April 2009, p. 13.

⁹⁰ Leila Ahmed, A Border Crossing, (New York: Penguin Group, 1999), p. 97.

⁹¹ Saadawi, The Hidden Face of Eve, p. 39.

⁹² US AID Violence Against Women Study, April 2009, p. 12

particularly among urban, middle and upper-middle class families. The causes for FGM, however, return to the moral double standard for women as FGM is believed to moderate female sexuality and assure a girl of marriageability.

Honor killings are also common in Upper Egypt, rural areas, and among low-income urban dwellers. Between 1998 and 2001 a survey of 125 honor-killing reports revealed that 79 percent of the reported crimes were murders of female family members suspected of sexual behavior, 9 percent were females due to adultery, 6 percent were murders to hide incest, and 6 percent were murders for other reasons. Husbands, fathers, or brothers carried out 93% of these murders.⁹³ While 125 deaths over a three-year period does not seem drastic compared to some large city crime rates, the fact that they are legally-sanctioned murders that go unpunished and that occurred within existing legal structures reveals their gendered nature.

VI. The Status of Egyptian Women: Human Development

Egypt has a longer history of promoting female literacy and education than Morocco, with a strong emphasis on literacy as far back as the nineteenth century. Nevertheless, up until the mid-twentieth century, much of these literacy campaigns focused on the upper and upper-middle class elements of society. With Arab Socialist influence under Nasser, Egypt launched a full campaign to achieve female literacy. In Egypt, the illiteracy rate dropped from about 70 percent to 56 percent for the total population between 1960 and 1976 with male illiteracy dropping from 56 percent to 43 percent and female illiteracy dropping from 84 percent to 71 percent.⁹⁴ As of 1995, the

⁹³ USAID *Violence Against Women Study*, April 2009, p. 12.

⁹⁴ Leila Ahmed, *Women and Gender in Islam* (New Haven and London: Yale University Press, 1992), p. 211.

literacy rate was about 48% of the adult population, according to U.S. State Department statistics.⁹⁵ By 2006 71.4% of the adult population was literate with 83.3% of males and 59.7% of females literate. These ratios were improved among the 15-24 year old segment of society in which 79% of females and 90% of males are literate.⁹⁶ Government sponsored literacy campaigns and improved school enrollment rates are improving the options among Egypt's youth by ensuring them a better education. In addition, the gap between men and women's literacy levels is slowly being narrowed.

Literacy Rates in Morocco, Tunisia, and Egypt						
	Literacy over age 15 total	Men	Women	Literacy age 15-24 total	Men	Women
Morocco	56%	69%	44%	77%	85%	68%
Tunisia	78%	86%	71%	97%	98%	96%
Egypt	66%	75%	58%	85%	88%	82%

Figure 4 Statistics based on CIA World Factbook

A nation will not advance if its women are backward. Women as mothers play a crucial role in educating their children, and thus perpetuating the civilization.⁹⁷ In 1952, Egypt declared primary, secondary, and tertiary education free; the first two levels were made compulsory.⁹⁸ There is a stereotype today that poor children in the Muslim world go to Qur'anic school while upper-class children attend kindergarten.⁹⁹ While this stereotype is, as most stereotypes, an exaggeration of a trend, a disparity does exist in the Muslim world that the wealthy go to college and the working class seek God. Egypt's policy of free education even at the university level seems to undermine this point. Since 1995 education has been free through the university level and compulsory from ages six

⁹⁵ www.worldrover.com/history/egypt-history

⁹⁶ www.etf.europa.eu/pubmgmt.nsf

⁹⁷ Bullock, p 18.

⁹⁸ Ahmed, Women and Gender in Islam, p. 210

⁹⁹ Majid, p. 105.

through twelve. Nevertheless, of the 87% who enter elementary school, roughly half drop out after their sixth year.¹⁰⁰ Further analysis of this high drop out rate is necessary to determine if this is a rural-urban trend or has class implications.

Secondary School Attendance: Morocco, Tunisia, and Egypt			
	2006	2007	2008
Morocco	52	56	No Data
Tunisia	87	90	92
Egypt	No Data	No Data	No Data

Tertiary School Attendance: Morocco, Tunisia, and Egypt				
	2006	2007	2008	2009
Morocco	12	11	12	13
Tunisia	32	34	No data	No data
Egypt	29	29	28	No data

Figure 5 Percentage of Secondary and Tertiary Education Attendees Based on World Bank Statistics

In Egypt, women's enrollment in higher education rose rapidly and at a much faster pace than men's. The ratio of men to women, which had been 13.2 to 1 in 1953-1954, was 1.8 to 1 by 1976. In 1953-54, 6,121 women attended universities and institutes of higher education, and by 1962 this figure had more than tripled to 19,762. By 1980 154,000 women held university degrees, which was one quarter of the university graduates in Egypt.¹⁰¹ This data is in keeping with a rise in women's higher education in many countries across the world, universities have shown a rapid increase in the number of female graduates compared to the number of male graduates. In 2010 forty-nine percent of university and higher-education students [in Egypt] were women compared to the U.S. where 57% of all college students in 2005 were women. Even in conservative Iran the number of women with college educations is surpassing that of Iranian men.¹⁰²

¹⁰⁰ www.worlddrover.com/history/egypt_history

¹⁰¹ Leila Ahmed, *Women and Gender in Islam*, p. 210.

¹⁰² Karim Haggag, "Women's Progress in Egypt," *The New York Times*, 30 July 2010, www.usatoday.com/news/education/2005-10-19-male-college-cover_x.htm, and news.bbc.co.uk/2/2i/middle_east/5359672.stm.

These statistics reveal that the rising number of college-educated women is a part of a global trend, which has profound implications for the job market and, with it, promising social change.

Gender mainstreaming in all aspects of society is essential as economic and political activity follow human development in a truly egalitarian society. Today there are no laws that discriminate between men and women in terms of education or employment, but actual practice is quite different.¹⁰³ Furthermore, women's participation in economic and public life has precedents in the early Islamic umma, where women were actively engaged inside and outside the home in trade, worship, scholarship, and war.¹⁰⁴ By the 1930s Egyptian women were graduating from Fuad University and beginning careers in journalism, law, medicine, and university teaching.¹⁰⁵ In 1952 employment was virtually guaranteed to all Egyptian college graduates.¹⁰⁶ Under Nasser, Egyptian women's employment opportunities benefitted from socialism's message of economic gender parity. The state bureaucracy expanded to accommodate the rising number of men and women seeking employment in the public sector. With the disastrous 1967 Arab-Israeli War, Egypt turned from Nasser's Arab Socialism to more westward and liberal leanings under Sadat. With the move away from socialism, the state found it necessary to decrease public sector employment, which led to widespread unemployment. In the 1980s came an economic recession and the main employer in Egypt, the public

¹⁰³ Nawal Saadawi, The Hidden Face of Eve, (New York: St Martin's Press, 1980), p. 186.

¹⁰⁴ Bullock, p. 180.

¹⁰⁵ Ahmed, Women and Gender in Islam, p. 191.

¹⁰⁶ Ahmed, p. 210.

sector, again cut jobs.¹⁰⁷ Although matriculation rates rose at this time, employment opportunities declined. These increases in unemployment have gendered implications. When there is increased unemployment, women get pushed out of jobs in favor of men.

High levels of unemployment among men caused resentment between the genders as men were passed over for jobs in favor of women. Employers felt women would work for less money with fewer benefits, since their employment was not seen as vital to the support of a family. Men, on the other hand, were legally obligated under Islam to provide for their families and thereby required higher salaries with more benefits than female counterparts. This dynamic underwent another shift as dual-income households became more prevalent with women seeking employment outside the home to help provide for basic family needs. Notably, labor force participation rates among poor Egyptian women are lower than rates among non-poor middle class women, who are largely working. As of 2002 statistics, this phenomenon was apparent in the U.S. too with only 7% of households considered traditional, i.e. consisting of a married couple with kids with a working father and a mother staying at home; more than twice the number of households in the U.S. are dual-income.¹⁰⁸

The infitah (open door) policy adopted under Sadat and expanded under Mubarak, along with an IMF and World Bank monitored structural adjustment program begun in 1991, liberalized the Egyptian economy and brought Egypt increasingly into the global market. Women have made huge progress, but the highest rungs of power, prestige, and influence remain largely a man's world. In Egypt, women in the public sector are paid

¹⁰⁷ Ahmed, *Women and Gender in Islam*, p. 219.

¹⁰⁸ www.prb.org/Articles/2003/TraditionalFamiliesAccountforOnly7PercentofUSHouseholds

the same as men, however, they do not enjoy the same promotion opportunity, the same appointment opportunities to responsible positions, or the training necessary for promotion to higher posts.¹⁰⁹ Nevertheless, divorce rates are rising among employed women in comparison to unemployed housewives living at their husbands' mercy or peasant women, who work free of charge for their families.¹¹⁰ An education and employment provides women with something missing from their lives prior to these advances: options.

VII. Global Forces: Urbanization and Middle Class Development

With increased educational levels, men and women left the rural sectors in search of more promising employment opportunities in urban centers. High-salaried jobs were largely in the cities and thus, major urban areas had consistently had higher education levels with lower levels of education documented in the rural areas. Egypt's large population is centered around urban centers. Since 1950, Egypt's population has doubled. Most of the population resides in and around Cairo and other metropolitan centers.

Population and Urbanization Statistics			
	Morocco	Egypt	Tunisia
1950s Population	13 million	42.3 million	NA
Population Today	32 million	82 million	11 million
Urbanization %	58%	43%	67%

Figure 4 Urbanization Statistics on Morocco, Egypt, and Tunisia based on CIA World Fact Book Statistics

Nuclear families now face challenges previously unheard of when extended family networks predominated.¹¹¹ Industrialization and the search for salaried employment, left nuclear families to fend for themselves as couples moved to urban areas

¹⁰⁹ Nawal Saadawi, *The Hidden Face of Eve*, p. 187.

¹¹⁰ Saadawi, *The Hidden Face of Eve*, p. 204.

¹¹¹ Saadawi, *The Hidden Face of Eve*, p. XII.

in search of factory jobs. In the two-income nuclear families, roles are increasingly being redefined as they were redefined when extended families turned into nuclear families. Divorce rates are much higher in cities and towns than in rural areas.¹¹² The urban centers and increased levels of education are providing new possibilities to enterprising young Egyptian women.

The lower classes and lower middle classes did not benefit from Western colonization as much as the upper middle classes and elite classes, who collaborated with the colonizers, gained access to western education, and made economic inroads into Europe.¹¹³ The upper class, acted as brokers between European colonizers and indigenous Egyptians. They understood tradition but functioned within European circles comfortably. The women who led the way in education were largely from the progressive middle class. The Egyptian middle class grew and took in a broader segment of society following the institutionalization of Arab socialism in 1956 under Nasser. Nasser's Arab socialism included the nationalization of foreign business interests, all big industrial businesses, rent control, minimum wage laws, and the provision of social services, which fundamentally altered the class structure.¹¹⁴ The lower- and lower-middle classes were either negatively or minimally impacted by western economic and political occupation.¹¹⁵

Middle Class Development: Morocco, Tunisia, and Egypt			
	Morocco	Egypt	Tunisia
Lower	34%	40%	13.8%
Middle	53%	40-50%	80%
Upper	13%	Less than 10%	6.2%

Figure 5 Middle Class Development

¹¹² Saadawi, *The Hidden Face of Eve*, p. 204.

¹¹³ Leila Ahmed, *Women and Gender in Islam*, p. 147.

¹¹⁴ Ahmed, *Women and Gender in Islam*, p. 209.

¹¹⁵ Ahmed, *Women and Gender in Islam*, p. 147.

In recent years with more Egyptians seeking higher education, both men and women are entering professional and white-collar occupations, which is greatly altering the Egyptian class structure.¹¹⁶ As the middle class expands, the men and women comprising the new-middle class are demanding increased accountability from the government. The democratized mainstream culture embracing Islamic dress and Islamic thought is coming from this newly urbanized middle class. In the past, impetus for change came from the dominant upper and middle classes.¹¹⁷ As the middle class has expanded, it has increasingly become the voice of the people. In Egypt, a decrease in food subsidies and rising inflation led to disillusionment, especially among the highly educated middle and upper class youth, which lead to a return to Islamic roots. The Muslim Brotherhood (MB) is above all a middle-class missionary institution led by doctors, lawyers, and professionals, not by religious scholars.¹¹⁸ It is serendipitous that Egypt's middle class expansion came at a time of increased political pluralism, allowing the MB the political domination Egypt is experiencing today.

VIII. Women's Political Representation

In 1956 women were granted the right to vote in Egypt and have made gradual gains to expand their quantitative and substantive representation since. Egypt switched its political systems from a proportional representation to a majoritarian system, which is traditionally not the best system to elect women representatives. In 2005 Egyptian women had 64 reserved seats in parliament. The governing National Democratic Party

¹¹⁶ Ahmed, *Women and Gender in Islam*, p. 213.

¹¹⁷ Ahmed, *Women and Gender in Islam*, p. 2225.

¹¹⁸ David Kirkpatrick. "Egypt's Vote Puts Emphasis on Split over Religious Rule." *New York Times*, 3 December 2011.

was able to win 62 of the 64 seats and seemed to have more backing than other parties. In 2009 Egypt passed a law allocating 64 seats in the lower house to women and more than 12% of seats in an expanded Parliament following November elections.¹¹⁹ Before the 2011-2012 parliamentary elections, the law guaranteeing women 64 seats was abolished and women secured only ten seats out of 508 in the lower house or less than 2% of the seats.

In 1962 Nasser appointed the first Egyptian female cabinet minister, Hikmat Abu Zyad, to be Minister of Social Affairs. Sadat continued the practice of appointing a woman as Minister of Social Affairs when he appointed Aishah Rateb to the position. Also at this time, Sadat's wife, Jihan Sadat, took an active role in championing women's causes, a precedent that would be continued by Mubarak's wife, Suzanne, during her husband's leadership. In 2010, Egypt boasted three women cabinet ministers: The minister of manpower and immigration, the minister of international cooperation and the minister of state for family and population.¹²⁰ Presidential elections in Egypt are not scheduled to take place until May 23 and 24, 2012, so it remains to be seen how much of a setback the Revolution has been politically for women. If a president is elected who appoints a large number of women to cabinet positions, as occurred in 2007 Morocco, then the revolution begun by men and women will not have failed to represent both the men and women revolutionaries.

A key factor in the political representation of women is their ability to turn representative change into substantive legislation for women. A frequent complaint is that women once in power get coopted into supporting the status quo instead of

¹¹⁹ Karim Haggag, "Women's Progress in Egypt," The New York Times 30 July 2010.

¹²⁰ Karim Haggag, "Women's Progress in Egypt," The New York Times 30 July 2010.

representing substantive legislation that promotes women's interests. Instead, they become a representative sampling of women but with little power to push for progressive legislation on their behalf. In Egypt, President Mubarak's wife Suzanne's National Council for Women was to a large degree a tool of the establishment. Nevertheless, it did successfully promote gendered legislation for women.

IX. Conclusion: The Muslim Feminists' Rebuttal

Muslim feminists assert that Islam is not the problem with regard to unequal human rights, it is the narrow conservative interpretation of Islam by a patriarchal class system and exploitation by ruling classes closely aligned with neo-colonialists. Muslim feminists defend Islam as providing all the guidance humankind needs to live a life of submission to God, however, men have hijacked the handbook and are manipulating the guidelines to serve their own selfish interests. As Mernissi asserts "if women's rights are a problem for some modern Muslim men, it is neither because of the Qur'an nor the Prophet, nor Islamic tradition, but simply because those rights conflict with the interests of a male elite."¹²¹ Wadud agrees that interpretations of the textual sources and the interpretation's application when constructing laws governing personal and private affairs are based upon male interpreted privilege.¹²² The popular Western narrative regarding Arab women features women who suffer from an inferior social status, voiceless, disenfranchised, but as you talk with Muslim women, you find strong, bold women who do not want to be saved and if so, only on their own terms. Muslim feminist reinterpretations may be the answer Muslim women need to find their own voice and gender parity, but within their faith system. While Western constructs of "knowledge,"

¹²¹ Fatima Mernissi, The Veil and the Male Elite, p. IX.

¹²² Amina Wadud, p. 22.

“objectivity,” and grand transcendent truths, according to Majid, represent in fact neither “truth” nor “objectivity” but rather the intellectual traditions, beliefs, and perspectives of white middle-class men.¹²³ The prospect of an indigenous path to women’s emancipation, one affirming the return to Islam and local customs and practices to right the wrongs created by an imperfect society might be the appropriate solution.¹²⁴ This opinion supports those of Muslim feminists, who argue that the answer is readily available from within Muslim society. Bullock promotes respectability to the believing Muslim woman’s voice, to claim liberation and women’s equality within Islam.¹²⁵

The U.S. holds certain truths to be self-evident that the individual is valued over the collective and equality is a universal value. However, Majid argues that “in Islam...the idea of atomized individuals exercising their ‘rights’ through participation in an electoral ‘democratic’ process has no historical roots in the people’s collective memory.”¹²⁶ Nevertheless, the call for democracy was loud and clear from Tahrir Square. Both Egyptian men and women sought these lofty concepts of democracy without perhaps a clear view of what democracy might look like in an Islamic society. Are the two concepts of democracy and Islam incompatible and eventually perhaps mutually exclusive? Nevertheless, the U.S. is not the poster-child for gender parity and women’s equality as illustrated by its own patriarchal interpretations of sacred texts to maintain women in a position subservient to men, who among conservative Americans are frequently viewed as the head of the household. In the popular 1992 movie “My Big Fat Greek Wedding,” Toula complains to her mother Maria about her father’s stubbornness

¹²³ Ahmed, *A Border Crossing*, p. 236.

¹²⁴ Majid, p. 102.

¹²⁵ Bullock, p XXXI.

¹²⁶ Anouar Majid.

and that what he says goes because “the man is the head of the house” to which her mother replies, “the man is the head, but the woman is the neck and she can turn the head any direction she wants.” This attitude is prevalent among Islamic feminists. These feminists are satisfied with their station in life because they know that although they have less economic and political power, they exert power and influence in their private lives and are satisfied with distinct male-female roles. Muslim and Western feminists, however, claim that gender equality should be the foundation, after which the division of labor can be defined.

Chapter 4: Threats to Past Progress and Prospects for the Future: *Morocco's Challenge to Institutionalize Power & Egypt's Triple Threat*

I. Reframing the Arab Spring – Democracy Wins

Contrary to popular opinion, the so-called Arab Spring did not begin in Tunisia on 17 December 2010. Change in the Middle East began with the Iranian Revolution in 1979 and the establishment of its Islamic state. Under the Ayatollah Khomeini, Islamists came to power and the progressive laws made under the Shah were reversed. The permissible age for girls to marry was lowered from eighteen to thirteen. Fathers and paternal relatives regained the right to custody of children in the event of divorce or the death of the father, boys at two and girls at seven. Furthermore, husbands regained the right to bar their wives from employment. Men's right to practice polygamy and to divorce at will was fully reinstated.¹²⁷ This conservative backlash was a reaction to the advances made by women under the Shah's leadership and Western influence.

In Egypt, the Arab Spring events were the final phase of de-colonization as the last layer of European collaborators, the coopted authoritarian regimes, were replaced by indigenous, largely Islamic leaderships. The Arab Spring started in 1979 Iran, when popular demonstrations in the streets led to the overthrow of the western-backed Shah. The thaw continued in 1987 as Palestinian youth took to the streets in the first Intifada against Israeli occupation. In 1991 the Islamic Salvation Front (FIS) party won in the first round of multi-party parliamentary elections held in Algeria. Due to fear over the possible establishment of Shariah Law, however, the elections were overturned by the Algerian military government with some-say CIA assistance. At this time multi-party elections, democracy, and the subsequent rise of political Islam was an unacceptable

¹²⁷ Ahmed, Women and Gender in Islam, p. 233.

option to the ruling military elite and Western policy makers. The spring continued in 2006 when HAMAS, which is the social safety-net of many Palestinians, providing bread, schools, and clinics, won in landslide elections over the establishment PLO candidates.

In 2009 Iranian elections again goaded the movement along when thousands of Iranians took to the streets in support of Incumbent President Ahmadinejad and others in support of the main opposition candidate Hossein Moussavi. Perhaps, this phenomenon is part of a global redistribution of power between ruler and ruled of which the U.S.-based “Occupy Wallstreet” movement is the homegrown variant. Early December demonstrations in Russia challenging President Putin’s rule are the latest example of people-powered mass movements challenging autocratic rule. The people spoke in Tunisia, Egypt, Libya, and Yemen unseating long-reigning autocrats. They demanded an end to corruption, more accountable governments, and democracy. And democracy is indisputably what they received. Elections in Egypt, Tunisia, and Morocco were the freest elections to date with real opposition parties and unpredictable outcomes. The rise in political Islam that has been a result of these free and fair elections -- of democracy -- was in many ways the West’s worst nightmare. Islamic parties dominated in Egypt and were the big winners in Morocco and Tunisia as well.

Until now, the West had largely dominated the narrative of modern history, painting Islam as the oppressor and the West as the liberator of Arab society.¹²⁸ The degree to which these Islamic governments can re-write that narrative will determine the fate of their countries. Perhaps, the new democracies in North Africa mark “a progressively defined Islam – one that is democratically available to all...a desirable

¹²⁸ Ahmed, Women and Gender in Islam, p. 167.

option for Muslim peoples.¹²⁹ Certainly the embrace of Muslim feminists of the canons of their own Islamic traditions offers a viable alternative to the theoretical impasse that has blocked the emergence of viable non-Western, indigenous alternatives.

Prior to the post-World War I establishment of nationalist entities throughout the Middle East and North Africa, the main loyalty and identity among Muslims was the Islamic community, the umma. While Arab nationalism represents “high politics,” Islam represents “low politics” of the Arab masses.¹³⁰ What is being experienced now in North Africa is yet another sign of this politics from below, politics of the masses. The people have granted unprecedented governing power to Islamists from Morocco to Tunisia to Egypt. The people’s voices were heard and their choices made. Notably, women were a large percentage of those voting in each country with unpredictable trends in women’s election to parliament, which varied greatly by country. Tunisia showed the greatest increase of women members of parliament (WMPs) with 58 or 27%, Morocco showed a strong increase electing 67 WMPs or 17%, and Egypt showing a marked drop in WMPs after dropping its gender quota, going from 12% to 2% of WMPs. The question remains whether the politics of the masses can represent, and more importantly protect, all elements of society or whether, yet again, Muslim women will fall victim to the vested-interests of a male-elite system.

II. Must Women Lose if Democracy Wins – the Political Direction and Platform of the Moroccan PJD Leadership

¹²⁹ Majid, p. 21.

¹³⁰ Anouar Majid, Unveiling Traditions: Postcolonial Islam in a Polycentric World, (Durham and London: Duke University Press, 2000), p. 58.

In Morocco the moderate PJD won the most seats in parliamentary elections giving it the right to form a government.

Moroccan women gained greatly from the 2011 Constitutional

reforms which assured them 60 reserved seat and won an

additional 7 unreserved seats or 67 seats total in the 2011

election. Nevertheless, the cabinet appointments represented a disappointment for

Moroccan women with only one woman, Bassima el-Hakkawi of the PJD, being elected

to serve as Minister of Solidarity, Women, Family and Social Development. A single

female cabinet member is a huge step back for Moroccan women; seven women

ministers were in the cabinet of Benkirane's predecessor Prime Minister Abbas El Fassi.

Benkirane assured reporters that "There is no reason to be outraged...there was no

intention to exclude women from this government."¹³¹ The problem, however, is not an

oversight by the Benkirane government, it is a lack of pro-active measures to include

women in the cabinet. While there has been great progress in the participation of women

in Moroccan politics, continued affirmative action is required to ensure Morocco's

standing as a voice for change in North Africa. The number of women on national lists

must be increased as well as the quotas for women at the local level bolstered in order to

continue to feminize Moroccan political space and facilitate gendered legislation to

further equalize Moroccan society.

Furthermore, the western conviction of the preeminence of democracy as a governing system is being challenged by its fear of Islam as a religious doctrine. In Egypt, the



Bassima el-Hakkawi

¹³¹ "Moroccan female lawmakers protest lack of representation in Islamist-led cabinet," Al-Arabia News," 7 March 2012.

Muslim Brotherhood's (MB) strong showing in 2005 parliamentary elections (87 of 454 seats), Hamas's 2006 victory in Palestinian elections (76 of the 132 seats), and Hezbollah and its Shi'ite ally Amal's gains (35 seats out of 128) in Lebanon's 2011 elections, are by-products of free and fair elections. These events even predated the recent gains made by Islamic parties in parliamentary elections in Tunisia on October 23 with the moderate Al-Nahda receiving 40% of the seats (89 of 217), in Morocco on November 25 with the PJD receiving 26% of the seats (107 of 395), and in Egypt's November-January 3-phase elections with the MB's FJP receiving 58% of the seats (294 of 508) and the ultraconservative Salafi Nour Party receiving another 24% of the seats (121 of 508), Islamic parties are increasingly dominating at the polls. What remains to be seen is if the western principle of government by the people can withstand the polarizing, male-elite Islam has shown in the past. That is to say, can the revolution begun by men and women in these societies move forward to represent all elements of these societies.

In Morocco the king still wields the majority of the power but he is slowly and deliberately yielding power to democratically elected institutions. He is allowing a revolution from within the existing political structures to transform Morocco. In Morocco, the electoral system is based on proportional representation (PR). It has been carefully manipulated to ensure that no party can win the majority of parliamentary seats. Therefore, the opposition Islamist PJD has not been able to gather a majority, but has shown real gains in recent years: 9 seats in 1997, 42 seats in 2002, 46 seats in 2007, and 107 seats in 2011. The governing Istiqlal Party (IP) came in second place with 60 seats and along with the People's Movement was incorporated into a governing coalition with the PJD.

In addition, in 2011 the King Mohammed did allow the winning party to fill the prime minister's position, which is a major step forward in the king's relinquishing additional control to elected institutions. In the 2002 election, Mohammed VI exerted his own authority by selecting a prime minister who was not from the victorious party, instead choosing a nonpartisan technocrat, Driss Jettou, to head a coalition government. Prior to the 2007 elections, however, the king announced that he would name a prime minister based on the voters' preferences, further solidifying the importance of the people's voice.¹³² True to his word, the king appointed to the premiership Abbas el Fassi, who is the leader of the Istiqlal party, which won 52 of the 325 parliamentary seats. With the July 2011 constitutional reforms, Mohammed VI institutionalized his obligation to select the leader of the winning party in parliament to be prime minister. Following the win by the Islamist PJD party, King Mohammed met with the PJD's General Secretary, Abdellah Benkirane, and named him head of the government. This commitment to institutional change and rule of law further solidified Mohammed VI's legacy as a reformist in Moroccan society. Mohammed VI's simultaneous commitment to rule of law, democracy, and women's empowerment bode well for the future of all Moroccans. The only question remaining is to what degree the elected parliament can stay the course in women's empowerment and legislative reforms.

III. Egypt's Triple Threat to Women: Military, Reactionary, and Islamic

Islamic Dominance: FJP and Nour's Future

Today women's progressive agenda in Egypt faces a triple threat from the entrenched military leadership, a reactionary backlash to progress made under Mubarak,

¹³² McFaul, Michael and Witte, p.28.

and an Islamic resurgence. In popular demonstrations, Egyptian students, workers, and intellectuals occupied Egypt's Tahrir Square and toppled the long-reigning Mubarak regime in favor of democracy, greater freedom, and an end to corruption. Following the 2011 Egyptian revolution, the parliamentary quota for women passed into law in 2009 was abruptly cancelled. The gradual gains made by women are, in 2012, in jeopardy of being rescinded. Notably, this initial threat to women's advancement did not come at the hands of the Islamists, but from the entrenched military leadership that assumed the post-Mubarak power vacuum.

Egyptian women first face a military threat. The 1952 military coup, which brought the Free Officers to power ushered in three generations of military leaders in Egypt. The Egyptian military is not a highly integrated institution. Instead, it remains a male-dominated system. The Supreme Council of the Armed Forces (SCAF), composed of senior military officers and headed by Field Marshal Mohamed Tantawi, came to power immediately after Mubarak relinquished the presidency on February 11, 2011. In March, the Egyptian Women's Union demanded a minimum of 35 percent female representation in all committees formed to change the constitution, as a secular constitution, a secular family code, and total equality before the law.¹³³ And yet, Egypt's democratic future and the status of women is threatened by the SCAF, which appeared disgruntled with the role women played in bringing down the government and threatening the perks they enjoyed under Mubarak. Women were highly active in the revolution, but in the post-revolution reconstruction have been excluded and marginalized.

¹³³ Anna Louie Sussman, An Interview with Nawal El Saadawi, 21 March 2011, www.thenation.com/article/159362/interview-nawal-el-sadawi

The military's abuse of power and alienation of women is nothing new. Under past presidents, the military, coupled with the security forces and civilian businessmen, expanded their own wealth at the expense of the Egyptian masses. The military expanded its hold over the economy, controlling 5-20 percent of the Egyptian economy by 2000. More recently, the SCAF manipulated the composition of the committee charged with drafting the new constitution to ensure they nominated 4/5 of the members who can maintain their vested interests. When Egyptian legal experts wrote a new basic document, calling for a strong parliament and limited presidency, the SCAF felt it too liberal and threw it out. Instead, they wrote an interim constitution that placed greater power in the presidency, which preemptively increased the military's position as all the presidents since 1952 have been military officers, bolstered by and bolstering the military. Notably, women were not included in any of the decisions being made which will determine the direction of Egypt's future government. Today the power rests in the president, who appoints the prime minister, but Egyptians are demanding a parliamentary system, in which a freely-elected majority selects the prime minister.¹³⁴ The army is unlikely to yield the power, prestige, and perks it has amassed since coming to power in 1952 and to which Egypt's women are not privy. The army has usurped the Egyptian revolution.

More recently, in November 2011, protesters again took to the streets, accusing the generals of delaying the transfer of power to a civilian government. In December, the protests took a more gendered tone. For five days, women protested en masse the abuses of the military regime. Egyptian women insisted they would not be marginalized as in

¹³⁴ Ellis Goldberg, "Mubarakism without Mubarak," Foreign Affairs, 11 February 2011.

the past. The military's response was swift, decisive, and violent. The military was videoed stripping a female protester and beating her, which raised condemnation both inside and outside Egypt. Perhaps as the Prophet Mohammed's wife Umm Salama was able to correct the initial omission of women from God's teachings by pointing out this omission to the Prophet Muhammad and a wrong was righted, so too women will again be instruments of their own empowerment, altering the current course the revolution is taking. Salama's criticism became the means by which God corrected the direction of the entire Islamic Umma. Perhaps the voices of female protesters will serve to correct the current path of the Egyptian military leaders.

The second threat facing women's advancements under Mubarak is a reactionary backlash to the gendered legislation passed under his leadership. The nationalist governments that were recently toppled were historically supported by colonial powers. Mubarak maintained close ties to the West and was viewed by many Egyptians as a U.S. puppet, catering to Western views and economic interests. In a sense, the secular Arab nationalist leaders became surrogate colonialists.¹³⁵ Moreover, these pro-Western, secular governments throughout the Muslim world were supported by the West, even when they repressed their populace.¹³⁶ Therefore, they were increasingly alienated from their own people. The progressive legislation promoted by women and championed by former First Lady Suzanne Mubarak are thus seen as illegitimate and meeting a reactionary backlash of anti-government resentment. These laws include: the law increasing the age mothers have custody of their children from nine to fifteen years, the law on visiting rights for divorced parents, and the *kuhl'* divorce law, which allows

¹³⁵ Majid, p. 55.

¹³⁶ Bullock, p. XXXIV.

women to divorce without their husband's approval. While these laws improved the status of women immensely, they are now being called into question because of Suzanne Mubarak's influence in getting them passed. The valuable and substantive progress made by women under Mubarak's regime is at risk due to its association with a now discredited leader.

The third threat to Egyptian women comes from the domination of Egyptian Islamic parties in recent parliamentary elections. Indeed, the moderate MB's FJP took 58% of the vote, while the Nour Party, an ultra-conservative fundamentalist Salafi organization, won 25% of the votes for parliament's lower house. If more conservative political agendas are advanced by their candidates, now parliamentarians, these Islamic parties may pose a very real threat to the progress of Egyptian women. These lower house elections were completed in three stages and the upper house will be elected in three similar stages. More immediately, women felt their first setback in the first round of voting, when women won no parliamentary seats. As previously mentioned, the 2009 parliamentary women's quota, which had previously guaranteed female representatives in parliament, was rescinded. After three rounds of voting, only eight seats out of 508, or 2%, were won by Egypt's women. Significantly 62% of eligible voters, a large portion of whom were women, turned out at the polls, so these results do represent the majority of voting Egyptians. Notably, Egypt did not have election observers monitor the voting; instead, it had judges.¹³⁷ Judges and the judiciary playing such a pivotal oversight role in the elections foreshadows the increasing role the judiciary and shariah law may play in Egyptian legislative affairs.

¹³⁷ Ibid.

The question remains whether the shift towards democracy and increased freedom in Egypt will mean a net gain or a loss in the status of Egyptian women. Recent elections may be a harbinger of the retreat to second-class citizenship for Egypt's female population if concern over the rise in Islamic electoral success proves true. The moderate FJP and ultraconservative Nour Party dominated the first post-Mubarak parliamentary elections, gaining more than 75% of the parliamentary seats. Nevertheless, the promised economic redistribution may mean political and social setbacks for Egypt's women. Mubarak's ominous warning of the political future of Egypt being a choice between him and the Islamists appears true, but the Islamists assert they can turn electoral success into practical improvements in the lives of Egyptians, both male and female.

II. Islamic Parliamentary Gains During Arab Spring

Country	Political Party	Parliamentary Representation	Runners up	Election Date
Tunisia	Al-Nahda (moderate Islamist)	40% (89 of 217)	CPR (29) & Ettakatol (20)	Oct 23
Morocco	PJD	26%	Istiqlal & RNI	King's
Egypt	Freedom and Justice Party (FJP) (MB)	58% (294 of 508)		Middle-class lead by doctors, lawyers, and professionals
	Salafi Nour (ultraconservative)	24% (121 of 508)	Wants Shariah Law	(Saudi-backed)
Libya	TBD	TBD	TBD	TBD

IV. Assessing the Islamic Movement's Histories and Future Direction

An increasing presence of Islamic parties in parliament does not necessarily pose a threat to Egyptian women. The agenda these parties pursue, their platform, is key. Therefore, this paper will next assess the historic roots of these Islamic parties, the MB's FJP, Nour, and the PJD to evaluate their position on women in society.

The MB was founded by Hasan al-Banna in the 1920s. The organization grew rapidly in the 1930s, especially among the educated lower, middle class. Al-Banna was assassinated in retaliation for the MB's assassination of the Egyptian Prime Minister al-Na'rashi. Like Hamas, the MB has a long history of charitable and social work, especially among the lower classes. The MB impressed the urban lower-middle and working class and the rural working class due to its activism in establishing schools, hospitals, and cottage industries.¹³⁸ In addition, the MB gained supporters as it rejected Western influence and the coopted elite's exercise of excessive power and privilege. In 1984 the MB began presenting some candidates running as independents since the MB was outlawed. In 2005 MB candidates, still running as independents, won 20% of the lower house. What remains to be seen is if the MB can run a country as effectively as it has acted as an opposition element to the Mubarak and previous regimes. In addition, the MB has been staunch supporters of a conservative social agenda for women, including polygamy, female genitalia mutilation, and child custody favoring the father. Yet women rank among the MB's membership and helped achieve its landslide victory in recent parliamentary elections. The unanswered question is whether democracy will moderate the MB's political platform in order to gain a constituency or democracy will signal a conservative social agenda in Egypt.

Perhaps even more startling has been the success of the Salafi al-Nour party in Egypt, which won 24% of parliamentary seats. Two voices of Egyptian feminism exist: a *dominant* western, secular, upper middle class voice and an *alternate* native, vernacular,

¹³⁸ Ahmed, Women and Gender in Islam, p. 193.

and Islamic voice.¹³⁹ The Salafis currently represent this alternate voice. Salafis are literalists, who are strongly influenced by Saudi clerics. With Mubarak's ouster, political space has opened in Egypt for the Salafis, who had refused to participate in politics under an un-Islamic regime, but are now engaged. Perhaps most troubling, the concept of democracy and majority rule contradicts the founding principles of the Nour Party. Democracy dictates that the will of the people takes precedence over the will of God, whereas the Salafis assert that democracy is acceptable as long as it does not contradict Islamic sharia.¹⁴⁰ Whether the Nour Party can reconcile these dichotomies and work within a democratic system to gain support remains a question to be answered in the coming months.

The next step must be a closer examination of the different leanings and proclivities of the FJP and the Nour Party. The FJP has endorsed commitments to protect individual rights and will institute the Islamic zakat or income tax (2.5%) to be regulated by Islamic charities. These charities would be encouraged to set up their own religious schools and hospitals. The FJP would encourage women to accept traditional gender roles, not through legislation, but through community centers for matchmaking and marriage counseling. The 2011 MB platform omitted two controversial clauses from the 2007 MB platform. The first was the creation of a clerical committee to review legislation for compliance with Islamic Law and to advise parliament and the president of any inconsistencies. The second was the prohibition against women and non-Muslims

¹³⁹ Ahmed, *Women and Gender in Islam*, p. 174.

¹⁴⁰ Noha El-Hennawy, "With Nour Party, Salafis attempt to tap into party politics," *Egypt Independent*, 19 May 2011, p. 2 (www.egyptindependence.com/node/442772)

running for president.¹⁴¹ The Nour Party is more interested in seeking legislative change. The Nour Party proposes to regulate the content of the arts and entertainment, women's work and dress, and the religious content of public education, all of which the FJP has not advocated. In addition, the Nour Party supports the idea of a specialized council of religious scholars providing parliamentary oversight of legislation to ensure compliance with Islamic Law, which the FJP dropped from its platform.¹⁴² The FJP has claimed that it will not form a coalition with the Nour Party. The Nour Party's agenda, according to its secretary Abdel Gharfour, includes restoring public order, creating democratic institutions, forming a powerful and popular cabinet, and promoting economic development.

Muslim feminists have expressed fear over the possibility that an Islamic government might reverse personal status laws that favor women, specifically the 2000 *khul'* law granting women the right to divorce. Gharfour denies that abolishing the *khul'* law is even a part of the Nour Party's agenda.¹⁴³ Stated goals of the Salafis include: the establishment of an Islamic state and inciting violence against Copts. Unlike the Muslim Brotherhood, the Nour Party would not condone the ascendancy of women or Copts to the presidency, although this was not a part of the final Nour Party platform.¹⁴⁴

¹⁴¹ Khalil al-Anani, "Egypt's Freedom & Justice Party: to be or Not to Be Independent," 1 June 2011, p. 1. (www.carnegieendowment.org/2011/01/01/egypt-s-freedom-justice-party-to-be-or-not-to-be-independent/6b7p)

¹⁴² "Egypt's Vote Puts Emphasis on Split over Religious Rule," The New York Times, 3 December 2011.

¹⁴³ Noha El-Hennawy, "Nour Party Chairman Tries to Ease Fears," Egypt Independent, 12 November 2011, p. 2. (www.egyptindependent.com/node/543376)

¹⁴⁴ Noha El-Hennawy, "With Nour Party, Salafis attempt to tap into party politics," Egypt Independent, 19 May 2011, p. 3 (www.egyptindependence.com/node/442772)

Nevertheless, the Nour Party's previous and current agendas are cause for alarm as they seek to impose shariah law, whose seventh century interpretation of the women's position in society would be a major retreat from social and political gains women have enjoyed under less traditional, more moderate regimes.

In Egypt, a decrease in food subsidies and rising inflation lead to disillusionment, especially among the highly educated middle and upper class youth, leading to increased Islamization. A 1982 survey of Egypt's veiled women assessed their attitudes towards various political issues. There was overwhelming consensus in favor of education, the right to employment, professional advancement, being open to women, and for equal political rights. The only issue that was not supported by more than half the women was the matter of equality in marital relations.¹⁴⁵ These are the advances of which Muslim feminists are the most proud because they impact women's daily lives. These are the advances at greatest risk if the political milieu switches to a more conservative interpretation of Islamic practices.

V. Conclusion

Women have made substantial gains in both Morocco and Egypt in terms of their rights within the family, human development, and political representation. The U.S. has stood by its founding principles and stepped back as democratic voices first toppled a long-time U.S. ally in Egypt and then ushered in an Islamic-party dominated parliament. Nevertheless, concern inside Egypt and from Western observers persists. The fate of Egyptian women's social and political gains is in a precarious position: First, the military

¹⁴⁵ Leila Ahmed, Women and Gender in Islam (New Haven and London: Yale University Press, 1992), p. 227.

refuses to relinquish its sixty-year hold on power and prestige. Next, reactionary forces seek to dismantle the Mubarak legacy of women's legal advancement within the family and with it the personal empowerment gained with the advocacy of former- First Lady Suzanne Mubarak. Finally, the MB's FJP and the Salafi Nour Party will lend their divergent Islamic perspectives to the future course of women's empowerment in Egypt. The FJP's next test will be whether or not Islamic elements can function as well within state structures as they have maneuvered on the fringe and if the promised end to corruption, improvement of the economy, and social reforms will represent a significant loss in power to Egypt's women. The Nour Party will have to work within the democratic system, which it earlier spurned, and will perhaps have to moderate its positions somewhat to keep its constituency.

Morocco as well is experiencing a wave of democracy, but with tighter central control and direction still proceeding from King Mohamed VI. Likewise, the potential for the Islamic PJD to gain a parliamentary majority is eliminated by electoral *Gerry-rigging*, while democracy and the Moroccan voice at the polls is ushering in an unprecedented time of Islamic influence. The PJD won the most parliamentary seats and was thus constitutionally-mandated to name the prime minister and form a coalition government. The challenge for the PJD is how to deliberately incorporate women into the Moroccan political sphere, which on the outset, it seems prepared to accomplish with women's parliamentary representation increasing significantly in the same election that brought the PJD to power.

Muslim feminists have found a political voice within Islam as they have helped to usher in a time of unprecedented democratically-elected Islamic Party influence. Now

Muslim feminists must continue to reinterpret an Islam whose egalitarian message they were unable to fully enjoy since the seventh-century male-elite's reinterpretation of Islam marginalized their role in the public sector and the rights and parity they could enjoy in the private. Women have achieved amazing progress in reasserting their rights to the level of equality that was given them with the advent of Islam. They must continue to demand that the new male elite speaks with an inclusive voice to represent all citizens instead of catering to their own interests as in the past.

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